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EAST INDIA (CASE OF MR. CRAWFORD, OF BOMBAY).

CORRESPONDENCE

RELATING TO THE CASE OF

MR. CRAWFORD, C.M.G., OF THE BOMBAY CIVIL SERVICE.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:
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1889.

[C.—5701.] *Price* 3*s.* 2*d.*

BOMBAY BRANCH
OF THE
Royal Asiatic Society.
CLASS.

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CORRESPONDENCE.

No. 1.

Telegram from the Secretary of State to Governor, Bombay, 6th February 1889.

Please telegraph early information about alleged retention in office of Bombay native magistrates who have confessed corruption before Crawford Commission.

No. 2.

From Governor, Bombay, 7th February 1889.

Yours, yesterday. Report of Commission just received is under consideration. In dealing therewith, the incidental question of magistrates' retention or removal will be duly considered.

No. 3.

From Secretary of State to Governor, Bombay, 7th February 1889.

Your telegram of to-day. I await full information as to facts before expressing any opinion myself, but I presume incriminated magistrates are suspended from exercising judicial functions pending consideration of case.

No. 4.

From Governor of Bombay, 8th February 1889.

Your telegram of yesterday. Magistrates who have acknowledged having purchased their offices suspended from exercising judicial functions during consideration of report.

No. 5.

DESPATCH from the GOVERNMENT OF BOMBAY to HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR INDIA IN COUNCIL, LONDON. Revenue, No. 8 of 1889.

MY LORD, Bombay Castle, March 1, 1889.

WE have the honour to forward, for your Lordship's consideration, a copy of the Report of the Commissioners appointed, under Act XXXVII. of 1850, to try certain charges of the corrupt receipt of money and of improperly borrowing money made against Mr. Arthur Travers Crawford, C.M.G., of the Bombay Civil Service, and Commissioner of the Central Division of this Presidency, together with a copy of the record of the proceedings and the evidence.

2. Your Lordship will observe that the Commissioners do not consider any of the charges of corruption to be proved. For reasons stated in the accompanying minute of the Honourable Sir Raymond West, in which the other Members of this Government concur, we are unable to accept their conclusions in their entirety. The

cumulative effect of the evidence produced in the different cases is, in our opinion, to establish beyond all reasonable doubt that Mr. Crawford did accept illegal gratifications for showing favour and forbearing to show disfavour in the exercise of his official functions. These gratifications, in some instances, took the shape of loans extorted; but, whether as loans or as gifts, they were equally instances of virtual extortion, and direct violation of the rules laid down by Government.

3. The Commissioners find, mainly on Mr. Crawford's own admission, that he did borrow money from certain persons, native-born subjects of Her Majesty, within the division of which he was in administrative charge, which in itself constituted a direct violation of a well-known rule (*see* Proceedings, Exhibit LC.). Mr. Crawford himself stated in his evidence that he borrowed whenever he could get a loan, whether he had any immediate need or not (Proceedings, page 291), and the general result of these transactions is shown at pages 6 and 7 of the printed Report,* to which we invite your Lordship's special attention. Borrowings to the nominal amount of about Rs. 150,000 were shown for the defence, and the Commissioners consider that there is strong reason to think that these transactions are very far from exhausting his borrowings. A very large part of the sum above specified was borrowed in 1888, some at a rate of interest of 24 per cent. per annum. Now Mr. Crawford could not under the rules continue in the service after February 1890, and he must have been aware that it was totally impossible for him to repay the loans he was incurring. Apart, therefore, from the fact that his extreme embarrassment rendered him peculiarly liable to corruption and unfitted him for the efficient and impartial discharge of his duties, his conduct in borrowing large sums which he knew he never could repay, does not fall far short of dishonesty. An officer who near the close of his service is in "a state of extreme embarrassment," such as the Commissioners describe—embarrassment from which it is virtually impossible that he should extricate himself—is, if for that reason only, disqualified for the service of Government.

4. To avoid delay, we have thought it expedient to submit this general expression of our views for your Lordship's consideration. We shall take the earliest opportunity of addressing your Lordship at greater length on other aspects of this painful case which involves issues of the most momentous importance to the integrity of our administration.

We have, &c.
(Signed) REAY.
J. B. RICHEY.
R. WEST.

Enclosure No. 1 in No. 5.

REPORT of the Commissioners appointed under Act XXXVII. of 1850 by the Order of the Government of Bombay, No. 6707, dated the 16th of October 1888.

Order of Proceedings.

der of oceedings.

WE commenced our inquiry into the charges against Mr. Crawford on the 23rd of October 1888, and held in all 67 public sittings, of which 54 were devoted to the case for the prosecution, and 13 to that for the defence. The Act under which we sit appears to contemplate that there should be only one opening of the whole case; but on the proposal of the Advocate General, which was not objected to on behalf of Mr. Crawford, we allowed the case to be opened generally in the first instance, and the particular facts relating to each charge to be opened when that charge was reached. Down to the 24th of November, and again from the 26th of December, Mr. Crawford was represented by counsel. Between those dates he was without legal assistance. During the time that he was represented by counsel we left the parties to conduct the case in their own way, and rarely interfered except to give a ruling on the admissibility of any evidence objected to. During the period for which Mr. Crawford was not represented by counsel we thought it our duty to take the initiative regarding the admissibility of evidence.

Mr. Crawford.

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d.

Mr. Crawford was appointed to the Bombay civil service in December 1854. In 1886 he was transferred as Commissioner from the southern division, in which he had

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* *See* pp. 9–10 of this paper.

been previously serving, to the Central Division, in succession to Mr. E. P. Robertson, and took charge of that office on the 27th of March of that year. Mr. Crawford was suspended by the Bombay Government on the 16th of July last. On the morning of the 18th he left Poona by train for Bombay, disguised to the extent that he wore a false beard. He was arrested at Bombay on the same day, and brought in custody to Poona upon a criminal charge. The proceedings on this charge came to an end on the 9th of August, under circumstances which it is not material for us to consider. Hanmantráo Rághavendra, to whom we shall have frequently to refer, was subsequently tried on criminal charges connected with Sindekar's and Dabir's cases. At that trial Mr. Crawford was examined as a witness for the defence, and his deposition and some other portions of the record of the trial were put in evidence before us. It was stated before us by both sides that Hanmantráo was convicted, and is now undergoing a sentence of imprisonment, though those facts were not formally proved.

Office of the Commissioner.

Commissioner's office.

The office of the Commissioner, Central Division, is divided into three branches, the English branch, the Alienation branch, and the Native branch. At the head of each of these there is an assistant to the Commissioner, who holds the rank and receives the pay of a Deputy Collector, and rises in the grades of those officials. The assistants to the Commissioner, like Deputy Collectors, are appointed by Government. Each assistant has under him a staff of clerks or kárkuns. The office of the Alienation branch is situated in the town of Poona at a distance from the rest of the Commissioner's office, which is in the European quarter of the station. The English branch is probably the most important, and in it questions relating to Mámlatdárs' appointments, promotions, and transfers are disposed of. During the greater part of the time that Mr. Crawford was Commissioner, K. B. Pendse was assistant in the English, B. G. Sáthe in the Native, and B. M. Khárkar in the Alienation branch. The last-named was confirmed in January 1888, retrospectively from 1st April 1887, from which date he had taken up the duties. L. M. Deshpánde acted for a short time as native assistant. V. A. Patwardhan was head clerk, and Vináyak Deshmukh a kárkun, in the English branch, and Yádavráo Sáthe, Chitámbarráo Gádgil, B. G. Javarkar, Pitámbar Joshi, and Náráyan Agáshe, all witnesses in this case, were kárkuns in the Native branch, for the whole or some portion of Mr. Crawford's incumbency as Commissioner, Mr. Crawford's private residence was a bungalow on the banks of the River Mula in the Kirkee Cantonment, three miles north of Poona.

District Officers in Central Division.

District officers.

Chitnis.

The Central Division consists of six districts, Khándesh, Násik, Ahmednagar or Nagar, Poona, Sátára, and Sholápur. At the head of each Collector's vernacular office is the Chitnis, whose appointment rests with the Collector.

Daftardár.

In Khándesh, which is a very large district, there is also a Daftardár, described by Pendse in his evidence as native assistant to the Collector. He ranks with a Deputy Collector, and is appointed by Government.

Mámlatdá

Each district is sub-divided into a number of local areas known as tálukas. The chief officer entrusted with the local revenue administration of a táluka is the Mámlatdár. His office is known as a mámlat, and is analogous to that of the Tahsildár in Madras, the Central Provinces and Northern India. He exercises magisterial powers, and has certain other judicial functions under a local enactment.

The appointment of a Mámlatdár rests with the Commissioner of the division, and before the appointment is confirmed, a longer or shorter time must be passed by the person appointed as a probationary Mámlatdár, who, however, discharges the duties and receives the pay of the substantive office. There are four grades of Mámlatdárs. In the Central Division, 10 Mámlatdárs are in the first grade on Rs. 250 per mensem, 14 in the second on Rs. 200 per mensem, 20 in the third grade on Rs. 175 per mensem, and 22 in the fourth grade on Rs. 150 per mensem. Promotions from grade to grade are made by the Commissioner. Among so many men absentees are numerous owing to sick leave, furlough, privilege leave, or employment on other duty. The *locum tenens* of an absentee is generally appointed to act for him, and draws acting allowance in addition to the pay of his own substantive appointment under the acting allowance code; but, when the vacancy is of such a nature as to leave the whole of the absentee's pay available for his *locum tenens*, the latter is appointed *sub. pro tempore*, a phrase used in the Financial Codes of the Government of India, and draws the full pay of the

office to which he is appointed during the absence of its permanent incumbent. *Sub. pro-tem.* appointments, as the witnesses term them, and acting appointments are in the gift of the Commissioner, though, if the vacancy is likely to be of short duration, the Collector frequently nominates to an acting appointment, subject to the confirmation of the Commissioner. The usual, though not invariable, order is that a man is first appointed an acting Mámlatdár, after that a *sub. pro-tem.* Mámlatdár, then a probationary Mámlatdár, and finally is confirmed in the office. All appointments, confirmations, and promotions of Mámlatdárs, including acting and *sub. pro-tem.* appointments, and promotions, are published in the "Bombay Government Gazette" under the signature of the Commissioner.

ead Kár-
un.

The head kárkun, who is the next officer in the táluka, also exercises magisterial powers, and is appointed by the collector. Large tálukas are sometimes sub-divided, and the portion cut off is termed a mahál, and placed in charge of a mahálkari.

lahálkaris.

ítils and
ulkarnis.

The last territorial area with which we are concerned is the village, the revenue duties connected with which are usually performed by hereditary Pátils or headmen, who are also charged with police functions, and Kulkarnis or village accountants.

'atans.

The remuneration of village officers is generally derived from hereditary grants of land, exempt wholly or partially from payment of revenue, called watans.

Articles of Charge.

The prosecution as opened disclosed 32 charges of the corrupt receipt of money. In 23 of these the money was alleged to have been received through the agency of Hanmantráo, and in one through the agency of Mahomed Kázi Abbás. In eight cases the money was alleged to have been received directly by Mr. Crawford himself. Besides these charges a thirty-third charge accused Mr. Crawford of improperly borrowing money on several occasions from native-born subjects of Her Majesty within his division, and from his official subordinates.

Considerations affecting the Evidence generally.

aracter of
tnesses.

In inquiries into charges such as we have had to investigate it is inevitable that the prosecution should have to rely mainly upon the evidence of witnesses who represent themselves as accomplices, or at least implicated, in a greater or less degree, in the corruption which they attribute to another. The present inquiry is no exception to the rule. For our purpose it is unnecessary to consider any question as to the liability of such persons under the criminal law. The rule of not relying upon the uncorroborated testimony of a party to a crime rests, we conceive, mainly on the ground that one who is accused, or thinks himself likely to be accused, is under a special temptation to fix the guilt upon another, if he can secure immunity for himself by doing so, even though he must implicate himself. And whether those with whose statements we have to do might, or might not, suppose that they were in danger under the criminal law, such of them as were in Government service, and, during the progress of the investigation which preceded our inquiry, knew or believed that they were suspected of corrupt practices, certainly had the judgment of their official superiors to fear. They therefore had reasons to make statements criminating Mr. Crawford, even though at the same time implicating themselves, similar to the reasons a regard for which has led to the rule as to the evidence of accomplices. A few of the accomplice witnesses are not actually in Government employment, but almost all of these are either identified in interest with other witnesses who are so employed, or else are seeking for employment or re-employment. And some could hardly but have thought of the gravest form of danger to themselves after the arrest of Hanmantráo. The degree of complicity which the witnesses impute to themselves differs considerably. Most of them fall into one or other of three classes: first, there are some who show themselves as regular agents in carrying out a system of corruption, or extortion, or both: secondly, there are those who represent themselves as having, without any compulsion, or pressure, of their own free will, been parties to, or assisted in, corrupt bargains, or paid, or helped to pay, money in pursuance of them, and this class includes a majority of the witnesses: thirdly, there are a few who represent themselves as paying money under pressure, and as victims of extortion, rather than willing parties to corruption.

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In cases in which the evidence of accomplices must be largely relied on, it is frequently found necessary to offer immunity to some of those implicated, in order to obtain sufficient evidence against others, and such a course is clearly sanctioned by the Legislature. In the present case the Government has found it necessary to

have recourse to this method of procedure to a considerable extent. Most of the accomplice witnesses said, in one form of words or another, that they had made their statements, and gave their evidence, upon a promise of immunity if they spoke the truth. And as to those to whom no specific promise may have been given, we have no doubt they generally acted in reliance upon the assurances of others who had obtained a promise. These promises appear to have extended, not only to security against criminal proceedings, but to security against any detriment to the men's position and prospects in the public service. Of course these inducements were offered solely with the view to make those to whom they were offered speak the truth without fear. But such people as those in question are apt to put their own interpretation upon their undertaking to speak the truth, and to treat it as an undertaking to speak what will support the charge against the accused.

What the witnesses saw happening around them might tend to strengthen such an impression as we have referred to. They saw that two Mámlatdárs, Bápat and Kalavde, were suspended at the same time with Mr. Crawford, and another, Bindu Gopál, soon after. Bápat some time after his suspension made a statement adverse to Mr. Crawford, and before long his suspension was removed: Kalavde did not make such a statement, and he is still under suspension: Bindu Gopál, if Pendse spoke correctly, remained under suspension on the 29th October. Yádavráo, a kárkun in the Commissioner's office, was suspended at the same time as Mr. Crawford, he made criminating statements, and, after he had pledged himself to them on oath in Hanmantráo's case, his suspension was removed. Patwardhan, who was head clerk in the Commissioner's office up to the day of Mr. Crawford's suspension, was at once ordered to Khándesh, the most northerly district in the division, and put to discharge duties of an inferior character to those he had hitherto had to do. He was very soon ordered suddenly to Sátára, the most southerly district, but, passing through Poona on his way, he made a criminating statement and was thereupon relieved from the necessity of going to Sátára, retained in Poona, and placed upon special duty in connexion with the preparation of the case against Mr. Crawford. We do not criticise any of the orders made in these cases; that would be beyond our province, and no one could justly do so without knowing, what we do not, all the circumstances connected with each order. But, as we have to estimate the value of the evidence, we are obliged to consider the effect which all that was said, and all that occurred, had, or was likely to have, upon the minds of the witnesses.

We think there was much calculated to produce the impression that to make statements criminating Mr. Crawford was to be on the side of Government, as against one who would be regarded as a fallen man, and was therefore the path of safety. This is how the witness Deshmukh admits having put the matter to Kalavde: "I went direct to him "and told him we had all committed the offence and it was better we should make "statements. I did not try to persuade Kalavde to make a statement against Mr. "Crawford. I told him we were Government servants, and as Government had asked "us to state the truth we should do so. It was safe and there was no objection to "do so." The same view was put to a witness called for the defence, Nawroji Dádábhái, who was sent for by Mr. Ommanney, Inspector General of Police, while the inquiry before us was pending. After Nawroji had denied paying any bribe, Mr. Ommanney told him that in future Government would consider well before giving him ábkári contracts. Nawroji said that he was well known to Government, a loyal subject, quite independent in his trade, and well known to Mr. Moore and other officers of Government. A gentleman, who was sitting with Mr. Ommanney, then said to Nawroji: "If you are a loyal subject, why don't you help Government?" or words to that effect. Mr. Ommanney did not question the accuracy of this account.

Kalavde's evidence, as qualified by that of Mr. Nugent and Mr. Ommanney, shows the same sort of influence likely to affect the mind of the witness. We do not care to say much about that witness, for on the merits of the case his evidence is of little importance, but in this connexion it is necessary to mention him. He himself says that he never thought of making any criminating statement, but was persecuted with a view to induce him to do so. The prosecution suggest that he was divided in mind, between making a statement and not doing so. It is not necessary to inquire which of these views is more likely to be true. Whichever view be true, we are only concerned to look at the considerations which would be present to his mind in favour of making a statement. He was suspended on the 16th July, and his Collector and Commissioner could tell him nothing of the cause of his suspension or the likelihood of its removal. A month later he saw the Chief Secretary who gave him no information, but referred him to the Inspector General of Police as the proper person to make any statement to

saying, however, that assuming a Mámlatdár to have paid money to avoid transfer or for promotion, and paid it under compulsion or duress, he thought the offence would be comparatively venial. When Kalavde went to Mr. Ommanney he met with an angry reception, and was asked if he had come to make a straightforward statement. A comparison of this incident with the case of Bápat, who, as Mr. Ommanney tells us, though not promised that his suspension would be removed, made his statement thinking that it would be, as in fact it was, would tend to strengthen the impression that the easiest way for Mámlatdárs to secure their own safety was to accuse Mr. Crawford. The general prevalence of such an impression would, we think, explain the unusual readiness on the part of the witnesses to make statements, which appears from the evidence of many of them, as well as from Mr. Ommanney's description. He says, "My verandah was full of people. They were 10 or 12 in a row sometimes, "waiting for their statements to be taken." We think that a large proportion of the witnesses for the prosecution first made their statements, and then gave their evidence, under the impression that to do so was to be on the side of Government. Not only were there thus special temptations to give, and get others to give, evidence which should secure a conviction, but the persons open to such a temptation had exceptional opportunities of procuring such evidence. The regular investigation was principally in the hands of Mr. Ommanney and some other officers, whose good faith and impartiality are above suspicion; but the investigation was a very long one, which is always a source of danger in this country; and there were others engaged in the matter, about some of whom we cannot feel the same confidence as we can about the gentlemen we have referred to. It appears from Mr. Ommanney's evidence that Bhimbhái Kirpárám, assistant to the Director of Agriculture, took a very active part in getting up the case. We have no reason for suspecting his good faith; but he was one of Mr. Crawford's accusers, the earliest of whom we have any knowledge, and we know from his own evidence, as well as Mr. Crawford's, that he had some ground for entertaining, and did entertain, some degree of personal feeling against Mr. Crawford. Pendse, the assistant to the Commissioner in the English department, has, as will appear hereafter, shown himself unscrupulous in arranging evidence against Mr. Crawford, and he also took an active part in getting up the case. Yádavráo, Deshmukh, and Patwardhan, all, if their own evidence be true, instruments of corruption, were busy in getting up evidence for the prosecution.

Mode of estimating the evidence.

In view of all the circumstances to which we have referred, we should not have thought it safe to accept the evidence of any of the accomplice witnesses as sufficient to support a charge against Mr. Crawford, unless it were substantially corroborated by evidence of a trustworthy character. We certainly should not do so in any matter directly affecting Mr. Crawford, against his own denial on oath, subject to the test of cross-examination. Having regard, however, to the circumstances of the case, we have not thought it well to dispose of any of the charges simply on this ground. We have examined the evidence, considered its probability or improbability, the consistency or inconsistency of the witnesses with themselves and with one another, and applied such other tests as we could find. There are two tests to which we attach special value. One is a comparison of the story told by the witnesses with contemporary documents, when any such are available for the purpose. The other is an examination of Mr. Crawford's action, not only at the time when it is impugned, but both before and after that time, in order to see whether his conduct is more consistent with guilt or with innocence. The latter test has a cumulative value when applied to a number of cases. If, on the one hand, we find a series of instances of alleged bribes to Mr. Crawford followed by orders suspicious in themselves, and not found capable of reasonable explanation, the result must tell heavily against him. If, on the other hand, we find thst in a series of cases the orders said to have been the result of bribes are obviously natural orders, or fairly explained by the circumstances, corresponding weight must be given to this in Mr. Crawford's favour.

Charges connected with Hanmantráo.

Charges connected with Hanmantráo. Two forms of the case. Case of general agency.

In charges 1 to 24 Mr. Crawford is alleged to have received money through Hanmantráo Rághavendra, and we propose to deal first with those charges. The case for the prosecution was put in two ways: first, it was contended that Hanmantráo was Mr. Crawford's general agent for the purpose of obtaining bribes, and it was proposed to draw the inference that any money shown to have been corruptly given to, or extorted by, Hanmantráo must be taken to have been received by Mr. Crawford: secondly, the prosecution undertook to prove specific instances of bribes received by

Mr. Crawford through Hanmantráo. We think the first was an unfortunate mode of launching the case. The general case so put rests upon the allegation that Mr. Crawford had in fact authorised Hanmantráo as his agent to obtain bribes for him whenever he could get them; no narrower proposition could support the case. We find it difficult to suppose that such an allegation could be established by any process which did not include the proof of specific instances of bribes paid to Hanmantráo and of Mr. Crawford's complicity. But the proof of the specific instances would render any inquiry into the wider case unnecessary. Eight out of the 32 charges of corruption were abandoned in deference to suggestions more than once made by us. But the case of general agency was never abandoned, and some of the cases into which we have had to inquire could never have been put forward as charges against Mr. Crawford except upon the theory of such an agency. This mode of shaping the case for the prosecution has been the main cause of the great length of the inquiry.

Proc., pp. 118, 148, 162.

As the case of general agency has been put forward and adhered to we have to consider it; and, in order to make the matter clear, it is necessary to explain Mr. Crawford's pecuniary position and his relations with others in respect of his pecuniary affairs, so far as it is possible to do so.

Case of general agency examined.

At the time of his appointment as Commissioner of the Central Division, and for many years previously, Mr. Crawford was heavily in debt. As far back as the latter part of the year 1873 he entered into an arrangement with his creditors, which was embodied in a deed of the 4th of December 1873. By it Mr. Crawford covenanted to pay to a trustee for his creditors the whole of his salary in excess of Rs. 1,800 per mensem for the first year after his return to India, and the whole excess over Rs. 1,400 in subsequent years, till all the creditors should be paid off at the rate of 25 per cent. The letter, which communicated this arrangement to his Excellency the Governor, explained that it was not intended that Mr. Crawford should be released as soon as the terms of the deed were complied with, but that he would feel and act on the moral obligation to pay his creditors in full if it were ever in his power. His Excellency in Council sanctioned the arrangement.

Crawford's pecuniary position.

Arrangement with creditors, 1873.

Ex. 362.

Ex. 363.

In 1884 another arrangement was entered into. On the 7th of June Mr. Crawford requested the Government to sanction the assignment of his pay and allowances in India to King and Co. It was stated that King and Co. had consented to make an advance to Mr. Crawford, covered by life policies, by which Mr. Crawford expected to arrive at a settlement with his creditors, on condition of his assigning to King and Co. the whole of his pay and allowances, subject to a charge of Rs. 1,500 per mensem payable to himself and his family, until the whole amount due with interest and expenses should be paid off. The assignment was to take effect from the 1st of October 1884, or the first day of the month following Mr. Crawford's arrival in Bombay. Government on the 11th July 1884 acceded to Mr. Crawford's request, and directed that his salary should be paid over monthly to King and Co. in Bombay. Mr. Crawford's account with King and Co. from the 1st April 1886 to 30th September 1888 shows that out of the Rs. 1,500 per mensem, 65*l*., afterwards reduced to 60*l*., was sent monthly to his family in England, and that he drew for his personal expenses, except in the first two months, Rs. 650 or not more than that amount. The result is that for two years Mr. Crawford had from his pay and allowances only Rs. 650 per mensem available for his personal expenses.

Arrangement with King & Co. 1884.

Ex. C.

Ex. C.

Account with King & Co.

Ex. D.

Mr. Crawford had also a current banking account with the Comptoir D'Escompte de Paris in Bombay. The share of his pay available for his own use was ordinarily paid into this account. Other considerable sums were also from time to time paid in. From January 1887 to July 1888, the period for which the account is before us, the total amount on the credit side of the account is Rs. 32,761, against which there were drawings of slightly larger amount. Something over Rs. 20,000 was thus paid in over and above the share of pay, about Rs. 17,000 in 1887 and Rs. 3,000 in 1888.

Dealings with Comptoir D'Escompte.

Ex. E.

Mr. Crawford had another account, which he describes as an agency account, with Watson & Co. Upon that account he has always been in their debt. The account before us begins with a debit balance of a little over Rs. 7,500 on the 30th March 1886. The other entries on the debit side are mainly sums remitted to England, though there are a few instances of money drawn. The sums appearing on the credit side of the account, so far as they have been traced, were sent by Mr. Crawford in notes or paid by him personally, to cover specific remittances made, or to be made, by Watson & Co., or to reduce the indebtedness. There are also some entries on both sides relating to a purchase and re-sale of horses by Mr. Crawford in 1888, for which

Dealings with Watson & Co.

Ex. 227.

Watson & Co. found the money. Omitting the proceeds of the horses, the sums credited in the account amount from the 30th March to the 31st December 1886 to nearly Rs. 14,000, in 1887 to about Rs. 28,000, and from January to July 1888 to about Rs. 9,000. And the account closes with a debit balance of slightly over Rs. 7,600.

Total expenditure.

Mr. Crawford puts his personal expenses at Rs. 700 or 800 a month besides Rs. 100 for rent, or about Rs. 10,000 a year. It follows that his total expenditure was very largely in excess of his income. In 1886 it was certainly over Rs. 20,000, in 1887 over Rs. 50,000, and in the first half of 1888 at the rate of about Rs. 30,000, whereas the share of his pay available for his personal use was under Rs. 8,000.

Crawford's borrowings.

During the whole time that he has been Commissioner of the Central Division, as well as before that time, Mr. Crawford has been continually borrowing money in Bombay, in Poona, and elsewhere. He has kept no accounts, and has, we are satisfied, no real knowledge of his pecuniary position. The prosecution under charge No. 33 showed borrowings within the Division in 1887 and 1888 amounting to about Rs. 66,000, of which there is some evidence to show that about Rs. 40,000 came to Mr. Crawford's hands in cash, but on the latter point we cannot speak with certainty. Of these loans not less than Rs. 40,000 is still due for principal. For the defence borrowings have been shown to the nominal amount of about Rs. 150,000. Most of the transactions proved belong to the latter part of the time over which they extend, and a very large part to 1888. There is a strong reason to think that, as Mr. Crawford says, these transactions are very far from exhausting his borrowings. We can form no opinion as to how far these borrowings resulted in actual cash paid to Mr. Crawford, and how much was of the nature of renewals; nor do we know how far the cash that he did receive had to go to pay off earlier loans by other persons, and how far it was available for his own use. There is only one part of these transactions to which we think it necessary to refer specially, a series of alleged loans by or through one Rámchandra Govind on the security of promissory notes. As to these we think it enough to say that we see no reason to doubt that the notes represent real transactions, but that the evidence is too unsatisfactory to enable us to say how much money was obtained upon them.

Borrowing proved by the prosecution.

Borrowings proved by the defence.

onclusion to borrowgs.

Amidst all this confusion two things seem to us to stand out clearly. Mr. Crawford was in a state of extreme embarrassment. This is plain from the disproportion between his income and his expenditure. It is shown also by the fact that he had to employ several agents to raise money for him and to borrow in several different places, and by the further fact that in 1888 he was borrowing at a rate of interest of 24 per cent. per annum. It is equally clear, we think, that down to the date of his suspension Mr. Crawford's credit was by no means exhausted. This is shown by the enormous sums which he was able to borrow in 1888, and is confirmed by the fact that down to the last he made payments of instalments of old debts with considerable regularity. So far as we know no creditor had before his suspension brought or threatened legal proceedings against him.

r. Crawd's agents. nmantráo agent. s relations h Crawl.

For the purpose of raising loans and dealing with his creditors Mr. Crawford employed several agents, and one of the agents so employed was Hanmantráo Rághavendra, the man who is alleged to have been a general agent to obtain bribes. He was employed to deal with Poona lenders. On Hanmantráo's trial Mr. Crawford said of him in examination-in-chief:—

"I first became acquainted with Hanmantráo some time in the fair weather of 1883. To the best of my belief, it was at Ilkal, in the Bijápur District. I went down there because there had been a great flood there. To relieve the distress and to start works, subscriptions had been raised in Bombay. I went to see the works and there met the accused and made his acquaintance. His village, Balkundi, is close by. He was one of the prominent local men there. I knew either his uncle or his grandfather, who was a distinguished Government servant. I was favourably impressed with Hanmantráo when I made his acquaintance. He afterwards called on me in Poona where he came to prosecute his studies. I think it was two and a quarter or two and a half years ago, but cannot say precisely. I became more intimate with him after he came to Poona. I was, as is notorious, embarrassed. I gathered from Hanmantráo that he had transactions or connexions with Márwádis and other local money-lenders, and I employed him as my broker to treat with them. He used to arrange loans with them and receive from me the money to pay the instalments frequently. In the course of these transactions he used constantly to visit me at my house. I never borrowed any money from the accused himself. I never employed him in any way in money matters except to

negotiate loans with professional money-lenders. There is not the slightest foundation for the statement that I employed him ever on any single occasion to take bribes."

In cross-examination he said:—

"I had no dealings whatever with Hanmantráo prior to my arrival in Poona as Commissioner of the Central Division. I may have seen him between 1883 and my arrival in Poona. I really cannot remember. I have known him ever since I have been in Poona as Commissioner, Central Division. I do not know whether Hanmantráo had any other occupation in Poona besides what he did for me and prosecuting his studies. He commenced to act as my money-broker about July or August 1886. He effected loans for me from the following persons:—Karim Amarchand, Subhárám Mánikchand Jasrup, Rámchand Bháichand, all of Poona. He effected loans, renewals of loans, and fresh loans. He did not act as broker between me and other money-lenders. Until this year that is all that he has done for me. He effected in all about 8 or 10 loans within two years. I cannot say how many renewals—perhaps as many as 8 or 10. I understood that Hanmantráo was in the way of knowing these people, and knew as a fact that he was connected in Colonel Stopford's affairs. Hanmantráo was not connected with anyone else that I knew of as a money-broker. I did not remunerate Hanmantráo. He got his brokerage from the Márwádis. I cannot say which of the loans he negotiated was the first. Hanmantráo used to come to my bungalow at Kirkee. I suppose Hanmantráo lives in the city, but I do not know where. So far as I was concerned, the employment of Hanmantráo by me was without remuneration. I do not know whether Hanmantráo wanted to be made a Deputy Collector. I heard he was going to make an application for that purpose, but I do not know whether he did so. He told me himself he was going to make the application. I remember getting a letter from Mr. Hart, asking me to suggest names of candidates for Deputy Collectorships in June 1886 (Exhibit No. 65). I have written across that letter, 'What about Hanmantráo Rághavendra?' I suppose I meant what about his being a candidate for a Deputy Collectorship. Before I wrote that he had told me he intended to apply for a Deputy Collectorship. I knew him well at that time. He had not then begun to be my money-broker."

In re-examination he said:—

"Hanmantráo used to get his percentage from the deductions made by the Márwádis in giving loans. Bonds are always given for very much larger amounts than the sums received. He would get his remuneration at the times the loans were made."

His evidence before us was to the same effect.

Natural result of those relations.

All who know anything of this country can understand that Hanmantráo was thus placed in a very dangerous position. One who is intimate with, and is supposed to have the ear of, any dispenser of patronage is naturally an object of attention on the part of candidates for appointments. If such a person be corruptly inclined he has always a chance of making his position a means of obtaining money, and the danger was especially great in the case of a man who, like Hanmantráo, was Mr. Crawford's agent for raising money. We think it clear that what might have been feared happened in the present case. We think it is shown that that mixture of corruption with some degree of extortion, which in this country springs up so readily and spreads so rapidly, if the circumstances be favourable, was prevalent round Mr. Crawford. Nor do we see any reason to doubt that Hanmantráo took an active part in it. We doubt whether he was the sole director of what went on as the prosecution allege and the witnesses try to make out. The fact that so many describe themselves, some as being actively engaged in it, and others as being aware of it, suggests this doubt. And some of the evidence, when looked at closely, seems to show that there has been throughout this inquiry an inclination to exaggerate the position and influence of Hanmantráo. This point will be further considered in connexion with Deshpánde's case. However, so far as Hanmantráo is concerned, the responsibility of placing him in a position in which he could improperly obtain money rests upon Mr. Crawford.

Evidence of general agency.

But it is a long step from this to the conclusion which we have been asked to draw that Hanmantráo was Mr. Crawford's agent to procure bribes for him. The evidence in support of this contention falls under certain well-defined heads.

Character of Crawford's exercise of patronage.

It was alleged that Mr. Crawford's exercise of his patronage was so irregular and so contrary to precedent that it must have been corrupt, and that it amounted to an invitation to pay bribes. In the opening of the case for the prosecution this view was presented to us with respect to three matters, appointments to mámlats, promotions of

Mámlatdárs from grade to grade, and transfers of Mámlatdárs from táluka to táluka. To support this assertion Pendse was called who gave elaborate evidence and produced a series of carefully compiled tables.

x. Z.

ppointment Mámlat-irs.

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x. Y.

x. AA.

The suggestion was that under the Government Resolution No. 6505, dated 17th December 1878, and subsequent orders, appointments to mámlats ought to be made according to seniority in the list of qualified candidates unless there were some clear reason for passing over the senior man. It is no part of our duty to construe the orders of Government on this subject. We have only to inquire whether Mr. Crawford's appointments were such as to suggest corruption, and the test selected by the prosecution and accepted by the defence, was a comparison of Mr. Crawford's appointments with those of his predecessor in office. To prove that the appointments of Mámlatdárs made by Mr. Crawford were very irregular and quite unlike anything that had happened before his time Pendse produced two tables. One had reference specially to the case of Sindekar, and it is only a portion of the other and larger list with one name added. His statement and mode of introducing this fuller list are as follows:—

"The Commissioner previous to Mr. Crawford was Mr. Robertson. In his time one general list of graduates and non-graduates qualified for mámlats was kept. The qualification was having passed the Higher Standard Examination. When a vacancy arose this list and the quarterly statements in form B, received from the Collectors, were consulted. This statement referred to qualification and stated whether the particular candidate was fit to be a Mámlatdár. The A Quarterly Return consisted of names of those who were already Mámlatdárs, and were deserving of promotion in the opinion of the Collector. For promotion from grade to grade the A Statement would be referred to, and for vacancies the B Statement. The B Statement contained no names of persons not already in Government service. Any person's position in the list would be known. In Mr. Robertson's time the person whose name was first on the list, unless there was some bad record against him or some other special reason, was, as a rule, promoted. During Mr. Robertson's time a change was introduced with regard to the appointment of graduates and non-graduates. It was first introduced at the close of 1878. I have made out a statement showing appointments of graduates and non-graduates from 6th June 1881 to 16th July 1888. In this are given the dates of passing the Higher Standard Examination. The initials E. P. R. and A. T. C. refer to the Commissioners by whom the appointments were made . . . . No supersessions were made in Mr. Robertson's time as shown in the list Exhibit AA. Some apparent supersessions appear in the list."

From his cross-examination we know the circumstances under which this list was first produced:—

"The first time I was examined about the practice in Mr. Robertson's time was in the Hanmantráo case. The first and only statement I made was that the promotions were made according to seniority and a man was not superseded unless there was a bad record against him. I said 'promotion, according to the practice followed in Mr. Robertson's time, was made chiefly by seniority, and a man was not superseded unless there was a bad record against him. That was the case as regards both lists.' That was the only statement I made as to the practice in examination-in-chief. In cross examination the order in which Mr. Robertson had made his appointments was pointed out to me. After being so cross-examined I prepared the list Exhibit AA. The word 'seniority' is ambiguous. It may be regulated solely by date of passing Higher Standard. It is not necessarily so. The last rules passed were those of February 1881. The rule was that promotion was to be regulated from grade to grade by seniority, or special merit. There were conditions to be complied with—one was the passing the Higher Standard, the other having served six months in a qualifying appointment. These were the rules for promotion to mámlats."

The suggestion that the word seniority is ambiguous is a mere shuffle. There is no ambiguity whatever about it, it means seniority according to the passing of the Higher Standard Examination. This follows from the Resolution of Government. This is the principle upon which the lists were kept both in Mr. Robertson's and in Mr. Crawford's time, and this meaning was explained to Mr. Crawford by Pendse when consulted about an appointment.

Z.

122.

The list thus introduced by the witness contains seventy-five names. The first twenty-four are probationers appointed by Mr. Robertson. Nos. 25 to 33 are probationers appointed by Mr. Crawford. No. 34 is a man appointed *sub. pro-tem.* by Mr. Robertson., Nos. 35 to 40 show like appointments by Mr. Crawford. The remaining

35 names are of men shown as receiving acting appointments from Mr. Crawford or not shown as having received any appointment at all. It is carried down to the name of Dabir, whose alleged improper appointment forms the subject of one of the charges inquired into by us. A glance at that list shows that appointments were no more made in order of seniority in Mr. Robertson's time than in Mr. Crawford's. Pendse tried to meet this fact by calling a departure from the order of seniority in Mr. Robertson's time an apparent supersession, if he could find or imagine any reason for it, and calling the same thing in Mr. Crawford's time a supersession, even when he knew there were good reasons for it. We have no doubt there were good reasons for all Mr. Robertson's appointments, but, in attempting to explain what those reasons were, Pendse's statements were of a very reckless character.

Robertson's appointments.

Tho truth about appointments in Mr. Robertson's time appears to have been this. From the year 1881 he adopted the practice of appointing a graduate and a non-graduate alternately, and from early in 1884 he varied this by appointing alternately two graduates and then two non-graduates. This was a complete departure from any rule of seniority, for it had the effect of promoting graduates rapidly over the heads of non-graduates, their seniors. The matter came before Government in 1886, and by a Resolution of the 10th of August the Governor in Council expressed his approval of what had been done, on the ground that he desired to leave the matter to the discretion of the Commissioners. And within the limits thus adopted Mr. Robertson exercised considerable freedom of selection. Thus N. K. Pendse, No. 9 on the list AA, who passed the Higher Standard Examination on the 3rd November 1880, and was declared qualified in other respects by a Resolution of Government of the 10th September 1881, was superseded by No. 8 on the same list on the 11th January 1882. R. V. Dashputre, who also passed his examination on the 3rd November 1880, and was reported qualified in other respects in June 1882, was superseded by seven men, five graduates and two non-graduates.

Ex. 57.

Ex. 23.

Ex. 62.

Crawford's appointments.

The facts about appointments in Mr. Crawford's time are these. In the time of his predecessor one list of candidates for mámlats had been kept, which included graduates and non-graduates. Mr. Crawford, by a letter of the 22nd of May 1886, directed two lists to be prepared, one of graduates and the other of non-graduates, and from that time on he worked from these two lists. He had, during his time as Commissioner, ten appointments to make to the rank of probationer. His first appointment was of a man, S. A. Nátu, not on either list, but senior to any of those who were so, and who had been specially declared qualified by a Resolution of Government of the 22nd of June 1885. The second and third appointments were the men whose names stood first and second on the non-graduate list. The fourth was of the man whose name was first on the graduate list. The fifth was of the man whose name was second on the non-graduate list, following one who had a bad record against him. The sixth appointment was that of R. N. Joglekar, and his promotion was exceptional. His father was an old and valued public servant, and on his retirement from the service he petitioned that his son might be appointed to a mámlat out of his turn. Mr. Crawford consulted the Collector, and through him the Assistant Collector, and on their reports he made the appointment. It is admitted that exceptional promotion under such circumstances is not unfrequent, and the whole transaction was perfectly open and above board. The seventh appointment was that of L. C. Phadke, a very senior man, whose name was not in either list, and of whom with another we shall have to speak later. The eighth appointment was that of the man whose name was first on the graduate list next after one who was absent in a Native State. The ninth was that of Patwardhan, then Head Clerk in the Commissioner's office. It was admitted that men holding such posts usually receive promotion out of their turn. And this man, though appointed, was not allowed to join his mámlat, but was kept in the office on pay less than that of a Mámlatdár. The tenth appointment was that of a man whose name was third on the graduate list; of the two above him, one had a bad record, and about the other the entry was uncertain.

Ex. AD.
Ex. 8.
Ex. AE.
Ex. AF.

Ex. 16.

Probation-

Ex. 51.

Phadke a Sindekar.

The cases of two men L. C. Phadke, a graduate, and B. G. Sindekar, a non-graduate, stand on a different footing from any others. The case of each forms the subject of a specific charge, but the matter of their supersession may be most conveniently considered here. Both were senior men and were *sub. pro-tem.* Mámlatdárs when Mr. Crawford took charge, and both were passed over repeatedly. Their names were in Mr. Robertson's list, but against each name was a note to the effect that the man had been appointed to a mámlat. In Mr. Crawford's list both names were omitted. Pendse endeavoured to show that the omission was right, though the only two other men then *sub. pro-tem.* ,Chiplunkar and Bháve, were inserted, and that Mr. Crawford had not been

Ex. AD.
Ex. AE.
Ex. AF.
Omitted from lists

Contention for prosecution.

misled by it; and the contention was persistently urged that the promotion of both men was wilfully and corruptly delayed in order to extort money.

In Hanmantráo's case Mr. Crawford said in his examination-in-chief :—

Mr. Crawford's account. Ex. G (*f*).

"I have never knowingly or intentionally passed Sindekar over in making promotions. I have had to rely absolutely on Mr. Pendse for information and for keeping the registers up to date. Exhibit 39 N is a petition I received from Sindekar dated 27th November 1886. As far as I know or can recollect, this is the only petition I ever had from Sindekar complaining of his being passed over, and it specially asks that he should be sent to a táluka in the Násik District, of which he admits he is a native. The list referred to in the endorsement on the petition must be the one sent to the Accountant General. Sindekar's name ought to, but does not, appear in the list. It ought also to have occurred in any statement of Mámlatdárs seeking promotion or transfer. I must

Ex. AA.

have received Exhibit No. 38 U in which Sindekar's name does not appear; it ought certainly to have appeared in it. Mr. Pendse never brought to my notice that Sindekar ought to be promoted, or had been passed over. The fact of Sindekar being appointed

Ex. AA.

a *sub. pro-tem.* Mámlatdár is no reason why his name should not appear in the list. The names of others in the same position do appear.

In cross-examination he said :—

"I had no official knowledge, from the papers before me, that Sindekar had been passed over. I had the Civil List to refer to. In that list Sindekar's name would appear regularly since his appointment as a *sub. pro-tem.* Mámlatdár. The list gives a good deal of the information required in order to select persons for appointments. Exhibit No. 38 F does not contain the names of any persons who were appointed *sub. pro-tem.* Mámlatdárs prior to, or at, or about the time when Sindekar was so appointed, but it ought to do so. I knew in December 1886 that Sindekar was second in the list of *sub. pro-tem.* Mámlatdárs. I knew this from Mr. Pendse. I remember nothing about the appointment of Lakshman Chintáman Phadke as a Mámlatdár. The order shown me is in my handwriting. I see from this that I appointed him a Mámlatdár, 4th grade, on 12th March 1887. He had previously been *sub. pro-tem.* Mámlatdár.

x. AA.

His name does not appear in Exhibit No. 38 F. It ought to have been there. I cannot account for this appointment at a moment's notice. It is no use asking me about any other appointments made during the last two years, except Dabir's and Sindekar's. These are the only two cases as to which I have had any notice. The document shown me is the gradation list of Mámlatdárs as they stood on 1st October 1887. I referred to these gradation lists in making transfers to see what Collectors said about Mámlatdárs but not in making appointments to mámlats. I did not mean that in appointing a *sub. pro-tem.* Mámlatdár to be a probationary Mámlatdár I did not look to see what the Collector said of him. I did look if there was any necessity, and for that would consult the gradation list just put in. For promotions from grade to grade, I consulted the Civil List and the half-yearly gradation lists and Exhibit No. 38 U prepared in the office."

This last paper referred to is a statement of Mámlatdárs seeking promotion.

sted by cuments l circum- nces.

The contemporary documents and undoubted circumstances of the case all tend to confirm Mr. Crawford. The two lists, Exhibits AE and AF, were expressly framed for his guidance in making appointments to mámlats, and though there were, no doubt, other documents available from which the truth could have been learned, nothing is more natural than that Mr. Crawford should be guided only by the lists, unless there were something present to his mind at the moment to give rise to doubt. And notes made at the time of making appointments are strong to show that this is what happened, for they refer to the men appointed as "first on the non-graduates' list," or as the case may be.

In November 1886 both Sindekar and Phadke petitioned and complained of being superseded. Sindekar had presented many petitions between April and November 1886, but had never complained of being superseded. In his petition of the 29th of November 1887 he did complain of this, and asked to be borne in mind for the first permanent appointment, but coupled this with a request to be sent to a healthy táluka in the same district in which he was then, namely, Násik. On this Mr. Crawford made an endorsement dated the 5th of December addressed to Pendse, "So far as the list "shows this man is not senior. Has he passed any and what examinations? And "how does he really stand? In June or July last I did transfer him at his own urgent "request and on the Collector's recommendation, and he then refused to go. Put up

17.

"these F. P. and return." On the 9th of December Pendse replied, "Applicant stands

" second in the list of *sub. pro-tem.* to be made probationary, as will be seen from the list " submitted in another case to-day, viz., that of Ráo Sáheb Phadke. He has duly " qualified himself for a mámlat by passing the lower and higher standard tests. The " F. P. regarding his transfer from Peint to Indápur is herewith put up." To this Mr. Crawford replied, " Applicant should be informed that inasmuch as he first applied " urgently to be transferred and then as urgently asked that his transfer should be " cancelled, he must now wait for an opportunity convenient to public interests." Sindekar never petitioned again and there is no reason to suppose that Mr. Crawford's attention was ever again drawn to Sindekar's claims to promotion, except by a letter of the Collector, of the 20th of March 1888, in which he pointed out that he was at the head of the list of *sub. pro-tem.* Mámlatdárs, hoped he might soon be confirmed, and spoke highly of his qualifications. After that letter no vacancy ever occurred. Ex. AP.

Phadke's first petition was dated the 26th of November 1886. Mr. Crawford's endorsement is dated the 22nd of December at Sholápur, where naturally he would not have the same sources of information at his command as in Poona:—" Applicant should " be informed by the Collector that when the few seniors about him are provided for, " his claims will be duly considered." To which Phadke rejoined, " The undersigned " humbly begs to suggest that in fact there are no seniors to him, but he stands first in " the list for a permanent mámlat." Phadke, on the 21st of February 1887, presented a petition, which related mainly to a transfer that had been ordered, but in which he complained that junior men had been appointed to mámlats before him. He was then on the next vacancy appointed probationer on the 14th of March 1887. With regard to the undoubted fact that Sindekar and Phadke were often passed over, all the evidence is in favour of the simple and natural explanation given by Mr. Crawford, and against the subtle theory of corrupt motives put forward by the prosecution and supported by Pendse. Ex. IO. Ex. IP.

In Hanmantráo's case Mr. Crawford said that Pendse had never called his attention to Sindekar's supersessions, a very obvious point to make when Pendse was giving evidence which told against him with regard to them, and he added:— Pendse's relations with Crawford.

" Up to the time of my suspension Mr. Pendse was, as far as I could see, on the most intimate and confidential terms with me. He used to speak to me freely about any office matters, and I encouraged him to do so. There was nothing in his relations with me which should have made him hesitate to make any representations to me if he considered any appointments improper or irregular; on the contrary, I expected him to do so, and I wrote to him hundreds of demi-officials relating to appointments and office matters."

Pendse was cross-examined before us as to his not having warned Mr. Crawford that Sindekar was being superseded, and in re-examination he said:— Proc., p. 5.

" I did not call Mr. Crawford's attention to Sindekar's supersession in July 1887, because his name was in the Civil Lists and gradation lists as *sub. pro-tem.*, and that was sufficient to show Mr. Crawford he should be confirmed. It is not part of my duty to point out to the Commissioner when he is passing over a man. I should not suggest a name to the Commissioner for appointment unless specially consulted by him. Mr. Crawford did not consult me on any other occasions than those two which have been mentioned by me. One had reference to the Mával mámlat, the other to the Peint. This applies to promotions only, not to transfers. The Mával case was a mere transfer, the Peint case was an appointment."

In answer to us he again said:—

" On one occasion only I made recommendation as to the appointment of Mámlatdárs. That was in the case of Peint. It was not the practice to put up any note as to these appointments. The office was not asked to make any note as to promotions from grade to grade, or in the case of transfers. In the case of the Jávli transfer, Mr. Crawford asked me specifically to make a recommendation. This was quite an unusual thing."

The oral evidence and documents put in from time to time for various purposes make it clear that Pendse's statements on this point are untrue, that Mr. Crawford's account of their relations, which he repeated before us, is true, and that Pendse used to be consulted freely and used to give his advice about appointments of Mámlatdárs and others, transfers, recommendations for deputy collectorships, and other like matters. Proc., p. 3. Ex. 121, 122, 174, 175, 211, 212, 353. Ex. DT.

Six appointments by Mr. Crawford of *sub. pro-tem.* Mámlatdárs follow in the list AA. The first of these appears on the face of the list to have superseded eight persons. Of these eight persons one was appointed to a similar post within a month, the second Appointments *sub. pro-tem.*

and third, Nos. 41 and 42 on the list, were not on any list, and were not in fact candidates for such an appointment, and a fourth had just been degraded. With regard to the second man appointed the facts were nearly the same. The third and fourth appointments were of two very senior men, one of whom had had his promotion stopped by the order of Government for a definite term long expired, and the other had been degraded from his mámlat for a fault some years before. The case of each of these men forms the subject of a specific charge. The fifth appointment was very similar to the first and second. The sixth man appointed superseded no one but the man who had been degraded.

Dravid's ase. Paránjpe's ase.

The latter part of the list AA from No. 41 to No. 75 purports on the face of it to show the men who got acting appointments under Mr. Crawford, and the men who did not get them, in their order. Among those shown as superseded are a dead man, men who had obtained higher appointments, and men who on other grounds ought not to have been shown at all. On the other hand a large number of appointments actually made have been omitted, so that men appear to have been left out in the cold who really had their share of acting appointments. This part of the list is calculated to convey an entirely false impression of the facts. It is unnecessary, however, to examine it in detail, because it is plain, from Pendse's own admissions and from abundance of other evidence, that acting appointments have never been given according to any rule of seniority, but have been governed by entirely different considerations.

Acting appointments.

Mr. Crawford's promotions of Mámlatdárs from grade to grade were the subject of a similar attack, in support of which Pendse produced a table showing the promotions so made. It was contended that under the orders of Government of the 9th February 1881 such promotions ought ordinarily to be by seniority. It is not our duty to say what the true meaning of the order is; we are concerned only with the question of good faith. Pendse in cross-examination said:—

Promotions from grade to grade. Ex. AK. Ex. AI.

"I prepared no statement for Mr. Robertson's time regarding grade-to-grade promotions. I was not asked to do so by the prosecution. I cannot say I know that in Mr. Robertson's time, as a rule, the promotions were not according to seniority. I cannot say they were strictly according to seniority."

The prosecution did propose to compare Mr. Crawford's grade promotions with those in the other divisions, in which the conditions are in some respects different from those in the Central Division, but we disallowed this. In the course of Pendse's cross-examination a comparison was instituted between Mr. Robertson's promotions and Mr. Crawford's, from which it was made clear that Mr. Robertson's were as remote from the order of seniority as Mr. Crawford's. And ultimately Pendse had to admit that "Mr. Robertson's system of promotion was one of selection." This is obviously true and equally true of Mr. Crawford. Our attention was specially directed to one case in Pendse's table, that of Bápat, who was promoted at once from the fourth grade to the second. Three instances of exactly similar promotions before Mr. Crawford's time were afterwards brought to light, one of them being that of B. G. Sáthe, the Native Assistant. And Pendse's own case was similar in substance, though not exactly in form, for he was promoted from the fourth grade through all the grades to the first within fifteen months without serving in any of the intermediate grades, being all the time employed in the Commissioner's office, as was Bápat when he obtained promotion. Moreover, Bápat's case forms the subject of one of the specific charges, and an examination of the facts shows that Mr. Crawford's action was natural under the circumstances and affords no ground for suspicion.

roc., p. 255. x. 170. x. 171. roc., p. 255.

ápat's case.

An attempt was made lastly to show that Mr. Crawford's orders of transfer were so numerous as to constitute oppression and suggest that extortion was the object. It turned out, however, that no evidence was forthcoming in support of this contention. In several of the specific cases heard by us it was alleged that particular transfers were oppressive, but in each instance the allegation proved to be groundless.

ransfers. indekar's ase. ámbe's ase.

To show that Hanmantráo was Mr. Crawford's agent to obtain bribes evidence was given intended to prove that Hanmantráo was allowed to meddle in official matters. The first piece of evidence put in on the part of the case was Mr. Crawford's own deposition upon Hanmantráo's trial. In examination-in-chief he said of Hanmantráo:—

Ianmantráo d official atters.

"Besides employing him to negotiate loans there was another matter on which I recently employed him. I had in my office a certain Mr. Báláji Gangádhar Sáthe as my Native Assistant. I never liked him, and towards the end of 1887 or in January 1888, I saw much in the official routine and the work which came from him to convince me that he was intriguing, if not worse. I received also numerous anonymous letters accusing him of systematic corruption in all watan and inám cases that passed through

rawford's count.

his hands, for which he as Native Assistant was alone responsible. I could get no specific information from the office, who I knew from Pendse downwards were all afraid of him.* I took an opportunity of sounding Hanmantráo on the subject as to what he knew. I knew his position in Poona and that he associated with all sorts of officials and could probably get me information. He confirmed fully the suspicions I had and the tenor of the anonymous letters, but he told me that so long as Yádavráo Sáthe and B. G. Sáthe continued close friends as they were, nothing tangible could possibly be obtained. I told him to keep me informed, and I shortly afterwards went out on tour. I was camped at Násik Road when I received an anonymous letter. Just before that there had been native holidays, and Mr. B. G. Sáthe had taken leave to go into Poona. The anonymous letter told me that there was a great row and split in the office, and that B. G. Sáthe and Yádavráo Sáthe were at daggers drawn. On this I left my camp standing at Násik Road and came into Poona. I could find nothing very particular in the office. Mr. Pendse never told me anything. But Hanmantráo told me on my pressing him that Yádavráo Sáthe would probably now split."

He went on to give various details, and described how he went through the papers in various watan cases with Yádavráo and Hanmantráo. In cross-examination he said:—

"I employed Hanmantráo this year in getting me information and enabling me to bring B. G. Sáthe to book. I confided all my suspicions to Hanmantráo; also to Pendse on several occasions during the first four months of this year. I also showed my suspicions to Yádavráo Sáthe, and may have mentioned them in general terms to other Native gentlemen. Hanmantráo was the only person outside the office to whom I confided my suspicions. I cannot suggest any advantage which Hanmantráo would gain by the assistance he gave me. I can account for his rendering that assistance, first, from his animosity to Sáthe, and second, from his friendship for myself; this friendship for me was based simply on his intimacy with me. I do not know what his animosity to Sáthe arose from. A good many people have it. I can give no other explanation of it. I did not know of this animosity of Hanmantráo against Sáthe until I pumped him about it. That was when I confided my suspicions to him. I said I took Hanmantráo into my confidence because he was in the habit of mixing with all sorts of officials. I do not know how he came in contact with such officials. He had no occupation, so far as I am aware, which would bring him into contact with such officials. Being a Native gentleman of good position and education, he naturally moved in good Native society in Poona, which is largely official. I thought him likely to know from the circumstances whether Báláji G. Sáthe was corrupt or not. Hanmantráo, so far as I am aware, had nothing to do with the watan cases which came into my office. I thought he would be likely to know in which of these cases Báláji G. Sáthe had been corrupt, because he had been conferring with Yádavráo. I told him to find out from Yádavráo. I looked to Yádavráo for information in the first instance, but he could not be trusted, and had to be kept up to the mark as it were. Hanmantráo was to keep him up to the mark, nothing else. Latterly, since the beginning of May, Hanmantráo has attended very frequently at my bungalow. I do not know whether he keeps a carriage of his own or hires one. Sometimes he came in the morning, sometimes in the daytime, generally about noon. I did not tell anyone I employed Hanmantráo in this way.

In re-examination he said:—

"Before I confided my suspicions about Sáthe to Hanmantráo I pumped him to see what he really knew. When I said that Hanmantráo was to keep Yádavráo up to the mark, I simply meant that Yádavráo was shifty and not to be depended on, and afraid as all the office were of B. G. Sáthe."

Mr. Crawford's employment of Hanmantráo as a sort of detective to check Sáthe, whom he suspected to be corrupt, may have been wise or unwise. But it lends no support to the allegation that Hanmantráo was allowed a voice in appointments, promotions, or transfers.

General evidence as to Hanmantráo's influence.

We had then the evidence of witnesses who professed to describe in general terms the position and influence of Hanmantráo, how he used to visit Mr. Crawford's bungalow, how official papers used to be seen at his house, and what he used to do

* Proc., p. 271.

Deshpánde's case.

with them there and elsewhere. These witnesses are chiefly of the very worst type, such as Yádavráo, Pitámbar Joshi, and Deshmukh, to whose statements we give no credence. When the witnesses are not of so bad a type, the evidence in detail contradicts the general allegations. Other witnesses stated that Hanmantráo showed them official papers in Mr. Crawford's house, some that he procured them an interview, and one said that he took part in a conversation with regard to an appointment. We give our reasons in later parts of this report for not accepting their evidence.

Evidence as to specific documents. Ex. BY.

Pitámbar Joshi, Yádavráo, and Deshmukh swore each to a particular case in which they said that Hanmantráo settled or altered an official document. As to Pitámbar Joshi's story, there is nothing on the face of the document to support it, and nothing in the character of the document or of the alteration making it in the least degree likely.

Dabir's case. Proc., p. 265.

As to Yádavráo's story we have examined it in Dabir's case and we consider it to be false. And Deshmukh's story rests upon nothing but his unsupported word.

Specific instances of bribes.

The prosecution further relied in support of the allegation of general agency upon the many specific instances of bribes said to have been taken through Hanmantráo which they undertook to prove. Those cases we shall examine one by one. It is enough to say here that there is, in our opinion, nothing proved in any of those cases giving any support to the theory of general agency.

Disproportion between income and expenditure.

Another point we have had to consider in its bearing upon the general case is the extreme disproportion between the share of Mr. Crawford's pay available to him for his own use and the amount which he is shown to have expended, including his remittances to the Comptoir D'Escompte and to Messrs. Watson & Co., as well as his personal expenditure. The suggestion was that the difference must have been obtained corruptly; but he had another source of supply in extensive borrowing. We have already given the facts and figures so far as they could be ascertained. Our opinion is that down to the date of his suspension Mr. Crawford was still in a stage on the road to ruin, at which he found it possible, by borrowing, not only to satisfy or silence old creditors, but to meet his current expenditure as well. The bearing of the evidence as to Mr. Crawford's pecuniary position upon the charges of corruption appears to us to be this. A man so embarrassed as he was is under a greater temptation to corruption than other men. On the other hand, we cannot but think that, in the mind of any man of Mr. Crawford's antecedents and holding the position he held, there must be a wide gulf between the most reckless borrowing and actual corruption.

Crawford's leaving Poona.

The fact of Mr. Crawford's leaving Poona on the morning of the 18th of July, in some degree in disguise, and his attempt in Bombay to obtain a passage to Colombo under a false name, was also dwelt upon, and rightly, as one for our serious consideration. But we think that that flight does not give rise to any legitimate inference that Mr. Crawford knew himself to be guilty of corruption. At the time he went away he had no reason to suppose that any criminal charge against him had been brought, nor do we know whether such a step was at that time under consideration; while, as to any charge short of one before a criminal court, he could gain nothing by flight and might lose much. On the other hand, at the time he went away, though the illness from which he had suffered was not one tending to affect his mental capacity, and though he was not in our opinion in such a condition as not to be fully responsible for his actions, still he was in a state of extreme mental distress and great excitement, and there were two things which, if his judgment had been at its coolest, he might well have feared to face. One was the humiliation of his position before the eyes of the people amongst whom he had spent his years of service, and of a society in which he was well known. The other was the action of his creditors; his suspension was likely to bring them down upon him in a swarm, and the consequences might well have been serious in many ways.

Conclusion as to general agency.

The result is that in our opinion the attempt to make out Hanmantráo to have been a general agent of Mr. Crawford to receive bribes has totally failed; and the evidence of a general character to which we have referred is not, except in so far as we have indicated, of assistance in judging of Mr. Crawford's guilt or innocence of the charges brought against him.

We now proceed to consider the individual cases in which Mr. Crawford is charged with having received money corruptly through Hanmantráo. We propose to deal first with Sindekar's case and next with Dabir's, because they were heard first and were gone into more elaborately than any of the others. The remaining cases we think it best to take in their chronological order.

Sindekar's Case.

The charge is "that you, by your agent Hanmantráo Rághavendra, on or about the "11th day of June 1888 corruptly received a sum of Rs. 1,000, and on or about the "23rd day of June 1888 a further sum of Rs. 1,000, from one Bálkrishna Govind "Sindekar, then *sub. pro-tem.* Mámlatdár of Chándár in the Násik District, as induce-"ments to favour the said Bálkrishna Govind Sindekar in your official capacity of "Commissioner, Central Division." Charge.

Sindekar passed the H.S. Examination in November 1880. In 1883 he obtained an acting Mámlatdárship. In July 1884 he was appointed *sub. pro-tem.* Mámlatdár of Peint in the district of Násik. Peint is an unhealthy and unpopular station. On the 16th March 1886 Sindekar petitioned Mr. Robertson, the then Commissioner, for a transfer, on the ground of the unhealthiness of the place. Mr. Robertson, who was just about to leave and to be succeeded by Mr. Crawford, endorsed the petition, "This should be given to Mr. Crawford with my request that the applicant "should be transferred to another mámlat. No Mámlatdár, if possible, should "be kept at Peint longer than two years." Mr. Crawford wrote on it "Transfer on "first opportunity," and the further words, "Keep this and all similar applications "together, till there is a vacancy to fill or a proposal for a transfer ordered." On the 14th April 1886 Sindekar petitioned again for a transfer "to a place of better "and drier climate either in this district or any other, say Poona or Nagar." The Collector supported his petition, and Mr. Crawford endorsed it, "The Commissioner "desires that the Collector will inform the Ráo Sáheb that directly an opportunity "of transferring him to Poona or Amednagar occurs he shall be transferred." On the 10th May 1886 he petitioned again, asking specifically for the Niphád mámlat, which he said he thought was likely to become vacant. And on the 4th June he repeated his request in another petition which Mr. Crawford endorsed, "Bring up first vacancy." In July his transfer to Indápur in the district of Poona was ordered, and he thereupon presented two petitions, one to the Commissioner, and the other to the Collector, asking that the transfer might be cancelled. On the latter Mr. Crawford endorsed, "Ráo Sáheb B. G. Sindekar himself applied piteously for a change and was therefore "only in April last promised that it should be made on first opportunity. The change "is no sooner ordered than he thinks he does not want it. He may now stay where he "is. The change is cancelled," and the necessary order was made. He petitioned the Commissioner again on the 27th of November 1886, complaining of having been superseded by his juniors and of the badness of the climate of Peint, and asking to be transferred to some healthy táluka in this district," and that he might be "borne in "mind for the first permanent appointment in the grade and a change from here as "early as possible." Mr. Crawford's orders on this petition have to do with the question of promotion and have been referred to in that connexion in an earlier part of this report. In April 1887 a man, Paránjpe, was appointed to act at Chándor in Násik, but the Collector suggested that he should go to Peint and Sindekár to Chándor, and accordingly Sindekar was sent to Chándor by an order of the 24th of April 1887.

Sindekar at Peint. Ex. G.

Petitions fo transfer.

Ex. G. (*a*).

Ex. G. (*b*).

Ex. G. (*c*).

Transfer.

Ex. G. (*d*)

Ex. G. (*e*).

Cancelled a his request.

Ex. G. (*f*).

Ex. EL.

Sent to Chándor. Ex. H.

By an order of the 28th of May, gazetted the 31st of May 1888, the transfer of three Mámlatdárs was ordered, of one from Jávli in Sátára to Jalgaon in Khándesh, of Sindekar from Chándor to Jávli, and of a third from Jalgaon to Chándor. Sindekar thereupon came to Poona, and, he says, he there prepared a petition to Mr. Crawford, in which he said that his wife was newly delivered of a child, and he could not remove her, and had no one to entrust her to, that his own health still suffered from the effects of Peint and he was afraid of the climate of Jávli, and asked that he might be kept at Chándor and confirmed as Mámlatdár. That petition purports to bear date the 7th June and on it Mr. Crawford made an endorsement, apparently of the 11th June, "The "transfer would not have been made at this juncture had I been aware of the facts "stated. It is cancelled." A memorandum to the same effect by way of reply to the petitioner was on the same day drawn up in the office, and on the same day telegrams were sent to the several collectors instructing them not to relieve the Mámlatdárs till further orders. No gazetted order was issued on the subject.

Transfer t Jávli. Ex. I.

Ex. L.

Cancelled.

Ex. M.

Ex. O.

Ex. O. (*a*)

The case of the prosecution is that the cancellation of the order transferring Sindekar to Jávli was the result of a corrupt bargain between Hanmantráo, on behalf of Mr. Crawford, and Sindekar, in pursuance of which Sindekar paid Rs. 1,000 on the 11th of June and remitted another Rs. 1,000 which reached the hands of Hanmantráo on the 23rd of June 1888. The case was put in two different ways. First, it was said that the transfer to Jávli was oppressive and was ordered with the view of extorting a bribe to procure its cancellation; and it was further alleged that Sindekar's promotion

Case for p secution.

from the position of *sub. pro-tem.* Mámlatdár to that of probationer had been purposely delayed for the same purpose of extortion. These two allegations may conveniently be treated together as the first form of the case for the prosecution. Secondly, it was said that whatever might be the merits of the order of transfer its cancellation was corrupt. The case in its first form may be dealt with shortly. The allegation that the transfer to Jávli was oppressive rests mainly upon the testimony of Pendse, who said in his examination-in-chief, "I am aware of no official reasons for the transfer of "the Mámlatdár of Chándor to Jávli." In cross-examination he said:—

First form. Transfer oppressive.

"I said I was not aware of any official reason for Sindekar's transfer from Chándor. I say now there was none I was aware of. I know now he had a number of relatives in Government service in the Násik district. I did not know it before. That is a reason for removing a man out of a district. I am not aware there are Government orders on the subject. I know it is the usual practice. When I was examined-in-chief, I knew Sindekar had relations in the public service in Násik district. Before the transfer was made there had been no report from the Collector about the family relations. I knew the facts immediately after Mr. Crawford gave his evidence. I know Mr. Crawford alleges he had a conversation with Mr. Woodward about Sindekar and that he considered it expedient to transfer him."

The account of this matter given by Mr. Crawford in Hanmantráo's case was as follows:—

"My special reason for transferring Sindekar was that during my tour this year in March and April I received a petition which may or may not have been pseudonymous, but was signed, alleging that Sindekar had made over-collections; or, in other words, had extorted money in excess of what was needed for the Chándor Dispensary. I also knew that he had both property and relatives in the Násik district, and to the best of my belief the chief or head constable at Chándor at that time was either his brother or his cousin. He had shown a marked unwillingness on a former occasion to leave the Násik district, and when I met Mr. Woodward, the Collector at Násik Road, where I encamped with him, in talking over the different Mámlatdárs and in speaking of Sindekar the rumour about over-collections for the Chándor Dispensary were spoken about between us, and the fact of his having connexions in the district was discussed, and Mr. Woodward agreed with me that Sindekar should be moved out of the Násik District, where, as is in evidence, he had already served in the Collector's office for some time. These were my reasons for transferring him from Násik; I had no special reasons for sending him to Jávli. Jávli is not a particularly bad place; it is close to Sátára."

As to the petition against Sindekar spoken of by Mr. Crawford we cannot say positively whether he is right or wrong, but, as Mr. Woodward has no recollection of the matter, he is probably mistaken. Upon every other point he has been shown to have spoken correctly. Sindekar was a native of Násik, his family and his wife's family were there, he had several near relations in the public service there, he was a member of a joint family having property there, though of small value, and a joint family house, he had been nearly four years in the district, and he had in the petitions already mentioned shown a settled determination not to leave it if he could help it. And a letter of the 10th of October 1888 from Mr. Woodward, the Collector of Násik, now on leave in England, in answer to one of Mr. Crawford, which the Advocate General rightly allowed to be put in evidence, confirms the statement of Mr. Crawford that the removal of Sindekar had been agreed upon between the two officers. There is no doubt the evidence of B. G. Sindekar, his brother N. G. Sindekar, and Kumtekar, to the effect that Hanmantráo began the bargain by asserting that he had got the transfer to Jávli ordered. These are all untrustworthy witnesses, and if what they say be true, it would, in our opinion, only show that Hanmantráo told a falsehood. The undoubted facts of the case make it clear in our opinion that the order of transfer to Jávli was not an oppressive order and was not made for the purpose of extortion, but was made in good faith, for sufficient reasons, and after consultation with the officer who, if any one, would naturally be consulted. As to the connected suggestion that Sindekar's promotion had been corruptly withheld with a view to extort money, it is unnecessary to say more than this. He and Phadke are the two men already referred to who were unfortunate in promotion and were passed by several of their juniors. We have already given our reasons for concluding that this was not the result of any corrupt action on Mr. Crawford's part, but is to be explained in other ways.

x. 67.
x. 210.

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The case for the prosecution in its second form requires more consideration. It is that, assuming the order of transfer to Jávli to have been right, the order cancelling it

ond form ase.

was corruptly made. The story told is that Sindekar having seen the order for his transfer in the "Gazette" about the first of June at once conceived the idea of endeavouring to get it cancelled by bribery, and accordingly went to Narsingdás Tulsirám, and sáwkár at Chándor, and on the 3rd of June obtained from him two hundis, one for Rs. 300 and the other for Rs. 700, on credit, and then went to Manmád, where he saw his brother, N. G. Sindekar, who is a passenger guide on the railway there, to whom he gave the two hundis and two letters, one to Kalavde, the Mámlatdár of Haveli, a táluka of which the head-quarters are in Poona, and the other to Kumtekar, a Government servant, at present secretary to the Poona Municipality, and with these sent him to Poona to open negotiations. He himself, it is said, returned to Chándor, and on the 6th of June drew Rs. 1,200 from the savings bank accounts of himself and his wife, out of which on that day he paid Rs. 1,000 for the two hundis previously bought on credit, retaining the balance of Rs. 200. On the 7th he went, it is said, to Igatpuri, saw the collector of Násik, and obtained leave to go to Poona, and on the 8th, by about 9 or 9.30 a.m., went to the Násik Road station, where he met his brother, heard his report of what had passed in Poona, and got back from him the two hundis.

Cancellation of transfer corrupt. Ex. J. Ex. J. (*a*). Story of prosecution. Ex. K. Ex. K. (*a*).

N. G. Sindekar's account of what took place on his visit to Poona is as follows:—

Brother's evidence.

"I went to Poona, going first to Chándor and from there on to Poona. I reached Poona on the 6th by the 2.40 p.m. train. On reaching Poona I went to the Commissioner's office, which is near the railway station. I inquired for Náráyanráo Agáshe, because I wished to put up with him. He was an old acquaintance of mine. He is a kárkun in the Commissioner's office. I first inquired of Náráyan where his house was, and he told me. He asked me why I had come, and I gave him certain information. I asked him also where Hanmantráo lived. Before answering he asked me why I wanted to know. Finally, he told me a kárkun would be going that evening to Hanmantráo's, and I should go with him. In the evening I went after five with the kárkun. I did not know the kárkun who took me. I should know him if I saw him. He took me to Hanmantráo's house and there I saw Hanmantráo. I had never seen him before. The man I see in Court, answering to the name of Pitámbar Krishna Joshi, is the man who took me to Hanmantráo's. He was present during my interview with Hanmantráo. After we had exchanged the usual greetings, Hanmantráo asked me to sit down. He then asked me who I was and whence I had come. I told him I came from Manmád, where I was a passenger guide. I also said I was the brother of Bálkrishna Sindekar, the Mámlatdár of Chándor. I told him I had come about my brother, who had been transferred to Jávli. I said he was ill and his wife had been confined and I had come to arrange about the cancellation of his transfer. I said it would be a good thing if his transfer were cancelled. Hanmantráo said, 'If you have 'Rs. 2,000 the transfer will be cancelled.' That was all he said at first. Then I said we were poor people and could not afford to pay such a large sum, but if it could be managed for a lower amount I would arrange. Hanmantráo did not agree to what I said. He said Rs. 2,000 would be required and then the transfer would be cancelled. I told Hanmantráo that I had brought with me Rs. 1,000 and asked him to arrange the matter for Rs. 1,000 as we had a large family. Hanmantráo said nothing could be done under Rs. 2,000 and that I should think over the matter that night and let him know in the morning. I then went home to Náráyan Agáshe's and spent the night there. I told Agáshe what had taken place at Hanmantráo's. Next morning I went again at about 8 or 9 to Hanmantráo's. Náráyan Agáshe accompanied me half-way and then he went off to the bázár, and I went alone to Hanmantráo's. Agáshe's and Hanmantráo's houses are both in the native town. I saw Hanmantráo standing at a window of his house. He called me upstairs. I and Hanmantráo only were present. There was no one else. He asked me if I had thought over the matter and I said 'yes.' I told him that I had thought of giving Rs. 1,000. He said that nothing could be done for that amount. The business could not be done without the payment of Rs. 2,000. I remember now something I left out in my account of the first interview. It was this. When I told Hanmantráo that my brother had been transferred to Jávli and that I had come to arrange for the cancellation of the transfer, Hanmantráo got a little angry, and said, 'Have not the eyes of your brother been yet opened? Eight or 'nine men have been put over your brother, and if he does not go I shall send him as 'Aval-kárkun to Jávli.' My brother is not a pucka Mámlatdár. As Hanmantráo did not accept Rs. 1,000 I offered Rs. 500 more. He said, 'No, Rs. 2,000 are required.' I said to him, 'If the business cannot be done for Rs. 1,500, I will go and inform my 'brother of what has taken place, and if my brother is willing to pay more, he will 'arrange about it.' At that interview nothing else took place between me and Hanmantráo. I took my leave and on my way home went to Kumtekar's and handed

Visit to Poona.

Negotiation with Hanmantráo.

to him the letter addressed to him at his house. After that I went back to Náráyan Agáshe's. I did not deliver the letter addressed to Kalavde, as I was in a hurry to leave Poona and did not think it necessary to deliver the other. I left Poona the same day, the 7th, at 12.30 p.m."

He then tells of meeting his brother at Násik Road, giving an account different in some respects from what he gave in Hanmantráo's case.

Sindekar's evidence.

B. G. Sindekar is the principal witness for what is said to have followed. After describing his meeting with his brother at the Násik Road station and getting back the hundis from him, he says :—

Visit to Poona.

"Next day I started for Poona. I had with me the two hundis and Rs. 525. I saw my cousin Sakhárám Dáji, stationmaster at Goti, at the Goti station. I told him I was going to Poona and wanted some Rs. 400 or Rs. 500 for some important business. The Rs. 525 I had with me consisted of Rs. 200, the balance of Rs. 1,200 after paying Narsingdás Rs. 1,000, and of Rs. 325 which I had in my house. I believe I reached Poona about 4 or 5 p.m. I put up at Mahádev Keshav Kumtekar's. On the 10th June, about 9 or 10 a.m., I and Kumtekar went to Hanmantráo Rághavendra's house. I had told my brother to see Hanmantráo, and in consequence of what he told me after seeing him I went to see him myself. I and Kumtekar saw Hanmantráo when he went to his house. I asked Kumtekar, pointing to Hanmantráo, 'Is that Hanmantráo?' he said, 'Yes, that is Hanmantráo.' I told Hanmantráo that I had been transferred. Hanmantráo said, 'I got you transferred. How is it that your eyes have not yet been opened though nine persons have superseded you? If you do not listen to what I say you will have to go to your former place, and that place is soon going to be abolished, and when I send you to Jávli as Aval-kárkun then you will come to your senses.' I said to Hanmantráo, 'This is oppression.' I asked him what he meant to say. Hanmantráo said to me, 'If you give me Rs. 2,000 I will arrange everything. I will take you to the Sáheb.' I asked him to reduce the amount if he could, but he said it could not be done. Ultimately I agreed to pay Rs. 2,000. Kumtekar was present during the whole interview. He was sitting there. Hanmantráo asked me to see him about 4 or 5 p.m., when he would take me to the Sáheb. He asked me to write and bring a petition. Then Kumtekar and I returned to his house, and I wrote a petition that day. In the afternoon I went back to Hanmantráo as he requested. I went alone. I went about 4 or 5 o'clock. Hanmantráo ordered a shigrám, and he and I got into it and drove to Mr. Crawford's bungalow at Kirkee. I do not know the distance. I and Hanmantráo got out of the shigrám and went inside the compound. He asked me to wait outside, and I sat down on a broken box outside a room in the compound. Hanmantráo told me to wait, and he went inside the bungalow. After about half an hour or three-quarters of an hour Hanmantráo came out and asked me to go with him. It was then quite dark. I went with Hanmantráo to the steps of the bungalow. Then the Sáheb came out and asked me how long I had been a Mámlatdár. I told him I had been a Mámlatdár since 1883. The Sáheb then said, 'I will do everything for you.' I made saláms to the Sáheb and left with Hanmantráo in the carriage and went to Hanmantráo's house. There I handed over to Hanmantráo the petition I had in my pocket. The petition had not been dated so I dated it there. I put the date 7th June on the petition. Hanmantráo suggested to me that I should antedate the petition. I left the petition with Hanmantráo. The petition produced is the one in question.

Bargain with Hanmantráo.

Petition written.

Visit to Crawford.

Petition given to Hanmantráo.

"From Hanmantráo's house I went to Náráyan Ágáshe's. I saw Náráyan, he being a friend of my brother. I went to ask him if he had received any letters from my brother addressed to me. I went thence to Kumtekar's. Next morning I received Rs. 500 from my brother, Lakshman Govind Sindekar, goods clerk at Bársi Road station. The money was brought by one Náráyan Appáji Kassa. Náráyan Bhikáji Agáshe accompanied him to Kumtekar's house. Náráyan Appáji brought me a letter and also the money. This letter I endorsed to the effect that I had received the money, and gave the letter back. The money was brought before 9 a.m. The same morning I went to Káshináth Balwant Pendse's house, after I had received the money. I had a conversation with Pendse. In the course of the conversation I told Pendse what had happened with regard to Mr. Crawford and Hanmantráo. Mr. Pendse sent a note addressed to Bápuji Mahipat Khárkar, the Alienation Assistant to the Commissioner, C.D. Mr. Khárkar came. He is the man who originally got me into Government service. When he came I told him that I did not wish to mix myself up in this affair, but I was threatened with reversion. Pendse and Khárkar had some conversation together about me. I told Khárkar they had threatened to send me back to my former

place. Both of them told me it was not a proper thing to act in that way, and that I should not mix myself up with the affair. Jávli was not a bad place. They also said, 'If you will not follow our advice you may do as you please.' The whole interview lasted about three-quarters of an hour. After leaving there I went to Kumtekar's house, and after dinner I went to Hanmantráo's. He said he would arrange everything for me, and that I need not be anxious. This is the substance of what he said. In the evening, at about 8 p.m., I went to Hanmantráo's house, this being the second visit on the same day, and paid him Rs. 1,000. Rs. 675 was in cash and the balance in notes. I took Kumtekar's servant Krishna with me. Krishna was not present when I paid the money. He brought it upstairs, put it down, and then went downstairs again. Hanmantráo told me to pay the rest of the money as quickly as I could. The sooner I sent the money the better. Then I left Hanmantráo and went away from Poona the same night. There was one person present when I paid the money to Hanmantráo, but I do not know his name. I doubt if I could identify him if I saw him again. He was a Bráhman. He had a great deal of hair on his head, which was bare. I took him for someone who belonged to Hanmantráo's house. I told Kumtekar that I had paid Rs. 1,000 to Hanmantráo, and that I would send him Rs. 1,000, which he should pay to Hanmantráo. The man about whom you asked me was present only a short time. He counted the money and said it was all right. I arranged to send the money through Kumtekar, because I did not know Hanmantráo well. I should have had to send the money through post, and thought Hanmantráo might have denied its receipt. If I sent the money through Kumtekar, Hanmantráo would receive it all right, and I should not have to pay it again. The man pointed out to me in Court (who answers to name of Pitámbar Krishna Joshi) looks like the man I saw at Hanmantráo's. I selected Kumtekar because I had put up with him, and Hanmantráo had told me if I sent money through Kumtekar he would get it. I had only Rs. 1,000 available on that day. The hundis had not been cashed. I had not time to cash the hundis, and I did not like to go and cash them in the bázár, as it might get abroad. I believe I got back to Chándor on the 15th June. In the interval I went to Manmád to see my brother, and from there to Sinnar to see my wife, as she was unwell. My wife had been sent to Sinnar in February last to her father's house. There she gave birth to a child in March or April. On arriving at Chándor I found the order for my transfer had already reached the Aval-kárkun. I returned the hundis to the sáwkár Narsingdás and got back my thousand rupees. I believe this was on the 16th. The money was in notes. On the 18th I sent these notes in an insured packet to Kumtekar.

Payment of Rs. 1,000 to Hanmantráo.

In cross-examination he said about his alleged visit to Mr. Crawford's bungalow on Sunday, the 10th of June:—

"I went to Mr. Crawford's about 4 or 5 p.m. I was in Hanmantráo's house about half an hour or three-quarters of an hour while Hanmantráo dressed and ordered the carriage. We did not go very fast. I cannot say how long we took in going. As we went along the road they were lighting the lamps. It was getting dark. When we reached Mr. Crawford's bungalow the street lamps were lit. I did not pay attention to the lights in the bungalows we passed. I sat on a box near the bungalow for about half an hour or three-quarters of an hour. I said in evidence in Hanmantráo's case that he came to call me 'just after lamps were lit, and it was dark.' I know that Mr. Crawford said in evidence that there were several guests at his bungalow. The bungalow was on the right as I entered the compound. When I left the box on which I sat the bungalow was on my right. As I was there for a short time I cannot give the exact distance from the entrance gate to the box. It was about the width of this hall. While sitting on the box I saw no one else there. I saw no one come in or go out. I saw no carriages standing about. No carriage came to the place where I was. I could see the river from where I was. I could see a few trees between me and the river. I do not remember seeing lights on the lawn nor any one on the river. I paid no attention and did not see any people on the lawn. Beside Hanmantráo no one saw me sitting on the box. From the time I entered the compound till I left I saw no one but Hanmantráo and Mr. Crawford to talk to. I do not remember seeing any one at all."

The conclusion of the story is that B. G. Sindekar sent the second Rs. 1,000 in two notes of Rs. 500 each through the post to Kumtekar in a registered insured packet. Sindekar's declaration dated the 18th of June gives the numbers of the notes. Intimation of the arrival of the packet was sent from the Poona post office to Kumtekar on the 19th of June. On the 20th of June Kumtekar endorsed this document with a request to deliver the packet to Yádavráo Sáthe; and the latter received the packet. Yádavráo says he opened the packet, took out the two notes, and gave one of them to a

Remittance of second Rs. 1,000. Ex. N. Ex. S. Ex. U.

peon, Gopal, to change for smaller notes, which he did, and that the next day he gave the whole to Hanmantráo.

Three parts of story

This story may be conveniently treated as consisting of three parts: first, the visit of N. G. Sindekar, the brother, to Poona and his incomplete negotiation with Hanmantráo; secondly, the visit of B. G. Sindekar himself to Poona, including his bargain with Hanmantráo, his visit to Mr. Crawford, and his payment of Rs. 1,000 to Hanmantráo; and thirdly, the subsequent transmission of the second Rs. 1,000 and its payment to Hanmantráo.

First part of story. Brother's visit.

The first part of the story rests mainly upon the evidence of N. G. Sindekar himself already set out. He is on his own showing an accomplice in a bad sense, a voluntary assistant in a corrupt transaction. Pitámbar Joshi was called to confirm him, and says he brought the man to Hanmantráo and that a conversation took place between them. He is a witness of the very worst class, as he professes to have been one of Hanmantráo's instruments in the practice of corruption or extortion. Agáshe, another kárkun in the Commissioner's office, says that N. G. Sindekar put up in his house at Poona and that he told him in the evening what had passed with Hanmantráo. This is a kind of confirmation to which we attach little weight. It was contended that this part of the story is further supported by the two hundis. At first sight they seem to contradict the witnesses, for it is essential to the story that the hundis were obtained on the 3rd of June, and they bear date the 5th and 6th of June. But the evidence of Motirám Kisandás, the Gumásta of Narsingdás Tulsirám, and the books of his business, seem to show that the hundis were really purchased on the 3rd of June. But, for reasons given hereafter, the procuring of the hundis affords no real confirmation to the story. Some further confirmation is sought in the evidence of K. R. Lagu of the railway police and G. N. Sindekar, postmaster at Násik Road, who speak of seeing N. G. Sindekar while on his journey. But they have no means of fixing the date, and the mere fact that the man made a railway journey about the time in question is of little moment.

How confirmed.

Pp. 91, 92. Ex. BG. Ex. CA. Ex. CB. Ex. CC.

Second part of story.

Of the incidents said to have occurred during B. G. Sindekar's visit to Poona, M. K. Kumtekar confirms him as to his interview with Hanmantráo on the morning of the 10th of June at which the bargain is said to have been struck, and Pitámbar Joshi says he saw the two men come to the house. Sindekar on his own showing was no victim of extortion, but a willing party to a corrupt bargain. Kumtekar is no better, and he accuses himself of having previously paid bribes. Of the visit to Mr. Crawford's bungalow Sindekar alone speaks directly. Pendse and Khárkar were called to prove that on the morning of the 11th of June, Sindekar told them what he had done and agreed to on the previous day. We have given our reasons for attaching little value to Pendse's evidence and Khárkar's is open to all the objections which affect the others of his class. And on the important point of the alleged visit to Mr. Crawford they do not agree. Khárkar says nothing about it, and certainly not from forgetfulness or oversight. As to the payment to Hanmantráo of Rs. 1,000 on the 11th of June, in addition to Sindekar, Pitámbar Joshi speaks to it directly. And Kumtekar gives the usual kind of confirmation by saying that Sindekar told him he had paid the money.

Sindekar in Poona.

How confirmed.

Hundis.

The further circumstances relied on to confirm the story, so far as they can be considered as established, are these. Sindekar had about a week before obtained two hundis, one for Rs. 700 and one for Rs. 300, making up Rs. 1,000. But if he brought them to Poona he says he did not cash them, and therefore they have little bearing upon the matter. In fact, the purchase of two hundis for convenient sums on the 3rd of June and the procuring Rs. 200 in cash and the return of the hundis on the 16th of June is quite as easily explained by the fact that on the 3rd Sindekar was under orders to a distant station, and before the 16th that order had been cancelled, as by the case for the prosecution. It is therefore a neutral circumstance of no value as confirmation. As to the other sum, Rs. 500 from Bársi Road, it is certain that S. D. Sindekar did telegraph from Igatpuri to his cousin at Bársi Road to send the money to Sindekar in Poona, and that the cousin at Bársi Road raised Rs. 500. And that being so we may safely accept the evidence of Appáji Kásu that he brought that sum to Sindekar in Poona. We think it safe to conclude that Sindekar came to Poona to try to get his transfer cancelled, came quite prepared to pay corrupt gratuities if he could reach his end the more easily by doing so, and had the Rs. 500 sent him for that purpose. And we have little doubt that he did pay money, and very likely to Hanmantráo; but the bargain for Rs. 2,000 is not thereby established.

s. 500 from ársi.

Visit to Crawford.

The part of the story that relates to the alleged visit to Mr. Crawford at his bungalow on the evening of Sunday, the 10th, must, we think, certainly be rejected. It rests on the testimony of Sindekar, with no support except the statement of Pendse already referred to. He says when he entered the compound he had the bungalow on

his right, and we assume that if so, he entered by the north entrance as contended by the prosecution. He says he sat for half or three-quarters of an hour on a box beside a building at a distance of about thirty feet from the gate while Hanmantráo was away, and was then called in. This would put him close to the stables. He saw no people and no carriages. He puts the time just as it was getting dark. Mr. Crawford in Hanmantráo's case gave his account as follows :— Crawford's evidence.

"I think I know Sindekar by sight. It is an absolute falsehood that Sindekar visited me in company with Hanmantráo on the evening of the 10th June. The 10th of June was a Sunday, and it is well known that I have my place full of ladies and gentlemen up to quite a late hour, *i.e.*, 8 o'clock every Sunday evening. The petition was presented to me by Sindekar in person on the morning of the 11th June. Nobody was with him that I saw. He has never come to me with the accused on any occasion whatever. I was going into Poona either to pay visits or for some other purpose that morning. I had ordered a light breakfast and went to bathe and dress. I came out partly dressed and saw a Bráhman pagri on a native gentleman sitting in a chair in the second porch where native visitors are always accommodated. I called a peon and said 'Who is there?' He brought me in a piece of paper with Sindekar's name on it, and his title of Mámlatdár of Chándor. I called a peon to fetch him in and place a chair, which he did. That was in the open front verandah. I sat down in my usual chair. I returned his salute and said, 'I suppose you are on your way to Jávli,' or words to that effect. He said no he was not, and that he had come down on casual leave given him by the Collector, Mr. Mulock, for the express purpose of getting his transfer cancelled. At the same time he handed me the petition (Exhibit 39 E) dated 7th June. It was so dated when presented. I asked him why he had not sent it through the Collector, and he simply said there was so little time left, and he was afraid the Mámlatdár of Jávli might be coming to relieve him and that it might be too late. So he saw the Collector hurriedly at Igatpuri and got his permission to come to lay the petition personally before me, as stated in the petition. I was very much annoyed, and demurred to making any change, saying that these were the sort of excuses that were always made when transfers were ordered. He then became very lachrymose, took off his turban and put his head at my feet, which annoyed me very much. I then said I would go in and have my breakfast and tell him afterwards. After I had sat 10 or 15 minutes at breakfast I came out, when he renewed his prayers, and at last I told him, 'Well, I will do this much for you. I will cancel your transfer for the present, 'but you will certainly be moved from the Násik District after the rains.' He then said the time was very short and that immediate orders were necessary. Whereupon I went into my office-room, wrote the endorsement on the petition, and at the same time either wrote telegrams or caused them to be sent to the Collectors concerned, telling them not to move the Mámlatdárs of Jalgaon and Jávli until further orders." The telegrams he says "were sent from the Poona Telegraph Office the same day. I then wrote a short office note to Mr. Pendse, telling him to send the telegrams and the order off sharp, or the other men would be on the move. I put the whole into a packet which I addressed to Mr. Pendse and brought it out and gave it to Sindekar, and told him he had better take it off to the office at once. He took it, thanked me, and went off. I have never seen him again. That was the only occasion on which he visited me at my house."

He adhered to that account before us. No attempt has been made to question the truth of Mr. Crawford's statement that it was his custom to have guests at his bungalow up to a late hour on Sundays, and that alone makes it difficult to believe that Hanmantráo, who must have had a fair knowledge of Mr. Crawford's habits, could have chosen such a time to bring a Mámlatdár for an interview. And the evidence of Mr. Reinold, executive engineer for Poona and Kirkee, shows he was Mr. Crawford's guest on the day in question, that a number of other people were there too, and that the carriages were standing about and the guests coming at the very time when Sindekar places his visit. It is impossible, we think, that he could have been where he says he was without seeing the carriages. The same gentleman's evidence makes it very unlikely that such an interview as that alleged took place. Other evidence for the defence

If we try the story of Sindekar by the test of probability and consistency with his previous conduct, it is very difficult to believe it. He had several times before had applications to make for or against transfers, and each time he had petitioned Mr. Crawford through the Collector, and obtained what he wished without bribery. It is extraordinary that he should now promise Hanmantráo Rs. 2,000 to get his transfer cancelled without any attempt to proceed by the honest method which had been successful before. And the documents are inconsistent with the story. The petition Improbability of Sindekar's account.

Dates of documents.

is dated the 7th of June, the day he saw his Collector at Igatpuri, and was referred by him to the Commissioner. And Mr. Crawford's order is dated the 11th of June, the day he puts the interview, not the 10th on which Sindekar puts it. We have no hesitation in rejecting the story of the prosecution and accepting Mr. Crawford's account of the circumstances of the petition.

Third part of story. Reasons for doubt.

As to the third part of the story, the remittance of the second Rs. 1,000 from Chándor to Poona and its payment to Hanmantráo, it rests upon the testimony of Sindekar, Kumtekar, and Yádavráo, supplemented by the peon Gopál and confirmed by documents in some important particulars. It is certain that on the 16th of June two notes for Rs. 500 each, numbered 80185 and 02070, were paid out of the Chándor

Ex. CW.

treasury to Narsingdás Tulsirám. This appears from the official register of notes. It may also, we think, be accepted as proved that on the same day Narsingdás paid two notes for Rs. 500 each to Sindekar, in exchange for the two hundis which had been taken on the 3rd and were then returned. Some suspicion is, however, thrown on this

Ex. CB.

matter by the fact that the entry of the giving of the notes has certainly been falsified to the extent of inserting by some later hand the numbers of the notes, one of them, if the story be true, being a wrong number. It is certain that on the 18th of June Sindekar sent from Chándor to Kumtekar in Poona a registered insured packet, and

Ex. N.

signed a declaration that it contained the two notes 80185 and 02070. It is certain

Ex. S.

that on the 19th the Poona postal authorities advised Kumtekar of the arrival of the parcel. The document was endorsed to Yádavráo, and he certainly received the packet,

Ex. U.

the value of the contents of which he says he gave to Hanmantráo. The documents are indisputable, but there is an openness and elaboration about the transaction which excites suspicion, the matter being one which those engaged in it would naturally prefer to keep in obscurity: if the object had been to secure publicity and facilitate proof, it could hardly have been better attained. The falsification of Narsingdás' books already mentioned, the failure to trace either of the notes, and the story, which we cannot but regard as absurd, of the peon Gopál about changing one of the notes with a man in the street, tend to increase suspicion. The statement that the two notes were inside the packet sent to Poona rests upon the credibility of Sindekar and Yádavráo, and the statement that the amount was paid to Hanmantráo upon Yádavráo alone. However, Yádavráo was certainly one of those in league with and in the confidence of Hanmantráo, and if the incident had occurred at any earlier time we should probably have thought it safe to conclude that the money really reached the hands of Hanmantráo. But the precise conjuncture at which the incident occurred compels us to exercise special caution. As early as May charges has been made against Mr. Crawford, and Pendse knew of them. In the latter part of June, Khárkar and Yádavráo certainly knew, and others therefore very likely knew, that Mr. Crawford suspected B. G. Sáthe, the Native Assistant, of corruption and was making inquiries on the subject. There is, we think, much reason to suppose that about that time many of those in the Commissioner's office felt that an exposure of some sort was imminent, and were considering how they might best secure their own safety. Pendse and Khárkar, according to the evidence, were told on the 11th of June by Sindekar of his proceedings in Poona. On the 14th or 15th Pendse made a statement to an officer of Government, and on the 20th another statement to the Chief Secretary, of all he knew affecting Mr. Crawford and Hanmantráo, and therefore, if he now tells the truth, about Sindekar's case. He says he did not know that any of Sindekar's money was still unpaid, but we find it very difficult to believe that he did not inform himself of all the circumstances, seeing that Sindekar was in his power. And the transactions we are now considering took place between the 18th and 23rd. If we knew for certain what the relations between Pendse, Khárkar, Kumtekar, and Yádavráo were at the period in question, we should probably be able to judge with confidence about the truth of the story; but we do not. And the result is that we view the incident with suspicion, and have doubts whether the Rs. 1,000 said to have been remitted from Chándor were ever paid to Hanmantráo, or had anything to do with any such corrupt bargain with him as is alleged.

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If the story so far as it affects Hanmantráo were accepted as wholly true, there would still be very little in it to affect Mr. Crawford. The account of the alleged visit on the evening of Sunday the 10th June we have given our reasons for rejecting. It was contended that the cancellation of Sindekar's transfer was itself so strange an act as to create suspicion. But after the long investigation we have had to make into the administration of the Division, we are satisfied that the postponement of a transfer on such personal or family grounds as those alleged in Sindekar's petition was nothing unusual. The olny other circumstance relied on is that Mr. Crawford sent Rs. 2,000

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in half-notes to the Comptoir D'Escompt in Bombay on the 24th and 27th June. The fact of a remittance is nothing, for such remittances were common and Mr. Crawford received large sums from various sources in June. And the notes remitted do not correspond with any of those said to have been sent from Chándor.

We are of opinion that Mr. Crawford is not guilty of this charge.

Dabir's Case.

The charge is "that you, by your agent Hanmantráo Rághavendra, in the month "of August 1887, corruptly received the sum of Rs. 3,000 from one Balwant Náráyan "Dabir, then head kárkun of Chopda in the Khándesh District, as an inducement to "favour the said Balwant Náráyan Dabir in your official capacity of Commissioner, "Central Division." Charge.

Dabir is a B.A. of the Bombay University. He entered Government service as second kárkun in February 1884. In January 1886 he was appointed head kárkun at Chopda in Khándesh, In October 1887 he was transferred to Sháháda, also in Khándesh. In December 1887 the Daftardár to the Collector of Khándesh went on leave for two months, and the Mámlatdár of Bhusával was appointed to act for him. Láte, the Mámlatdár of Chopda, a man of some standing, was sent to act at Bhusával. At that time, although Dabir had previously been transferred to Sháháda, he was shown in the lists in the Commissioner's office as still head kárkun of Chopda. Mr. Crawford says he believed him to be so; Pendse says he knew nothing of the change, that no one in the office so far as he knows did, and there was nothing in the office from which any one could have done so. By an order of Mr. Crawford of the 20th, gazetted the 29th of December 1887, Dabir was appointed to act as Mámlatdár of Chopda. The time was prolonged by a man's going on leave, and then again a vacancy occurred for reasons which it is not necessary to examine. Támbe, who was acting as Mámlatdár at Násik, was in bad health and was sent to his permanent post at Kopargaon. Láte was sent to Násik, an important place; and by an order of the 9th gazetted the 12th of April, Dabir was directed to continue to act at Chopda. That appointment lasted till June. There was then still a vacancy at Chopda, but by an order of the 11th of June Mr. Crawford appointed another man, Shalom Bápuji, considerably senior to Dabir, *sub. pro tem.* in the post. After this order had been made Mr. Crawford received a letter from the Collector of Khándesh, saying that the Mámlatdár of Amalner had taken a month's privilege leave from the 8th of May on account of illness and wanted it extended to the 7th of September, and asking for sanction. On the 18th of June Mr. Crawford replied, giving the sanction and saying that Dabir, lately relieved at Chopda, was appointed to act for the absentee. He was accordingly appointed by an order of the 19th, gazetted the 21st of June 1888. Crawford's orders. Ex. BE. Ex. BF. Ex. BV. Ex. BG.

The case for the prosecution is that Dabir's appointment to act as Mámlatdár at Chopda in December 1887, and the renewal of that appointment in April, and his appointment to act at Amalner in June 1888 were all the result of a corrupt payment of Rs. 3,000 made to Hanmantráo in August 1887, with the knowledge and on behalf of Mr. Crawford. Case for the prosecution

The story told by the principal witness is this. Dabir says, while head kárkun at Chopda—

"I consulted my father-in-law Sátbhái about getting promotion to a Mámlatdárship. He was formerly a kárkun in the office of the Commissioner, C.D., and lived in Poona. I sent him a letter in the beginning of June 1887. I consulted my father-in-law, because I knew mámlats were not given by seniority, so I told him to inquire about the means of getting a mámlat. I got a letter in reply from my father-in-law. I destroyed that letter. In consequence of the letter I sent him Rs. 3,500. I first borrowed Rs. 700 from Mánek Ratirám. That is the name of the man, not the firm. He is a sáwkár living at Chopda. I added to that Rs. 300 of my own, making it up to Rs. 1,000. On the day I borrowed the Rs. 700 I signed an acknowledgment in the sáwkár's book. On the 28th June 1887 I borrowed a further sum of Rs. 1,000 from the same sáwkár, and signed an acknowledgment in the book. On the 9th August 1887 I borrowed a further sum of Rs. 1,500 from the same man and signed for that also. The first thousand rupees I sent in notes to my father-in-law through the post office. The money was sent to my father-in-law N. S. Sátbhái. The second thousand I sent to Sátbhái in the form of a hundi. I handed the rupees to Shámlál Chimanlál in whose house I lived, and he brought me the hundi. He is a sáwkár of Chopda. He brought me a hundi purchased in the name of my father-in-law. The Story of witnesses. Dabir. Idea of bribery. Borrowing and remittances.

hundi was made payable in Bombay. I sent the hundi by post to my father-in-law Sátbhái. The Rs. 1,500 which I borrowed on 9th August I sent to Poona with Buka Chimanlál to Sátbhái. Bukan is a brother of Shámlál.

Sátbhái relates what is said to have next happened. His daughter was the first wife of Dabir. His story is :—

Sátbhái.

" In 1887 I remember receiving a letter from him. I believe it was in June of that year. I have not kept that letter. It has been destroyed. In consequence of the receipt of that letter I went to R. G. Jovarkar, a clerk in the office of the Commissioner, C.D. I had a conversation with him. After it I went to Hanmantráo's with Jovarkar. This was in the month of June. I saw Hanmantráo. I did not know Hanmantráo before. Jovarkar knew him. At that interview Jovarkar said to Hanmantráo, pointing to me, 'This is Dabir's father-in-law.' He also told Hanmantráo that Dabir had passed his Lower and Higher Standard. Jovarkar asked Hanmantráo if he could arrange to get a mámlat for Dabir. Hanmantráo asked Jovarkar where Dabir was, and Jovarkar told him he was Aval-kárkun at Chopda. Then Hanmantráo asked how Dabir stood on the list. I and Jovarkar told Hanmantráo we did not know how he stood on the list. On that Hanmantráo said he would go to the Sáheb's bungalow and see what Dabir's number on the list was and would afterwards let us know about it. He did not mention the name of the Sáheb, but I knew whom he meant. After Hanmantráo said this, we said, 'Very well, we would call again in a few days, and in the meantime you should find out how Dabir stood on the list.' Then we left him and returned home.

Negotiations with Hanmantráo.

" We went again about two days afterwards and again saw Hanmantráo. At this second interview I or my companion Jovarkar asked, 'What is Dabir's number on the list?' He said, 'He is low down.' I said to Hanmantráo that mámlats were not then given according to numbers and he should find out some way of obtaining a mámlat for Dabir. Hanmantráo, in reply, asked how much money we were prepared to give; then he said he would see what could be done. I said I was ready to pay Rs. 1,000 or Rs. 1,500. Hanmantráo said that the business could not be done for such a small amount. He asked me if I could increase the offer. I said to Hanmantráo I would consider the matter and see him again. I then left with Jovarkar. About two or three days after I and Jovarkar went again to Hanmantráo's. We saw Hanmantráo again on that occasion. After we went there we told Hanmantráo we were willing to pay him up to Rs. 2,000. He said there had been an offer of Rs. 2,000, and that our offer could not be accepted, and that we should increase the offer if we wanted the business to be done. I said if the business could not be done for Rs. 2,000 I would pay Rs. 3,000, but somehow or other the business must be done. It was then settled that Rs. 3,000 should be paid, Hanmantráo said, 'Very well.' We then returned home. Before doing so I informed Hanmantráo I would let Dabir know about it. I informed Dabir accordingly by a letter. After that I received an insured packet containing notes, value Rs. 1,000. I did not keep any account of the receipt of the money. I do not keep any private accounts showing receipt of money. After that I received a hundi for Rs. 1,000. I sold that hundi in Poona to Vishnu Amrat Jabre. He has his shop in Aditwár Peth, Poona. I do not remember the date on which I sold the hundi. I believe it was in the month of July. I received further Rs. 1,500 by the hands of Bukan Sheth. His father's name is Chimanlál. I received that money in the month of August. I do not remember the English date, but on the Gokul Ashtami Festival (12th August 1887) Bukan was at my house. He put up with me for four or five days. Bukan brought the money, Rs. 1,400 in cash and one note for Rs. 100. The cash was in two bags. In June or July last year my daughter, Dabir's wife, was living with me in my house. She died there on the 9th Ashádh Vad—I believe the 14th July. After that I saw Dabir, who came to Poona to my house and put up there. He was in Poona with me on the Ganesh Chaturthi day (22 August 1887). I had known he was coming four or five days previous to his arrival. After he came I took him with me to the house of Hanmantráo. I saw Hanmantráo. After we went there I said to Hanmantráo, pointing to Dabir 'This is Dabir.' Hanmantráo asked me if the money was ready. I said 'Yes.' Hanmantráo then said, 'Bring the money to-morrow and I will take him to the Sáheb.' Some conversation took place between Hanmantráo and Dabir in English which I could not understand. Dabir and I then left. I left telling Hanmantráo I would send Dabir to him next day with the money. We then went home. In the evening of the same day I went and saw Jovarkar and informed him what had happened. I asked him to call at my house next morning to accompany Dabir with the money. The next morning Jovarkar came to my house at about 7 or 8 a.m. I handed over to Dabir and him notes for Rs. 1,600 and Rs. 1,400 in cash.

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The cash was in two bags as before. I placed the bags before them and said, 'Here 'are two bags containing Rs. 700 each, making Rs. 1,400.' I mean the same two bags which had been brought me by Bukan. I had myself counted the rupees in the bag. When I received them from Bukan the money was counted over to me. After I took charge of the two bags I kept them in my box under lock and key. After that Dabir and Jovarkar left with the money. I saw Dabir after they returned about 12 o'clock. Dabir returned by himself. Jovarkar was not with him. I had some conversation with him there. I asked why he was so late in returning. He then told me he had gone with Hanmantráo to the Sáheb's bungalow where he was detained for some time. The Sáheb's name was not mentioned. Dabir stopped with me five or six days. I visited Hanmantráo once or twice after he left. I went to ask him as to when Dabir's business would be done. Dabir visited Poona again in December of that year. He came to be married, and was stopping with me. He was married. He, during that visit on one occasion, left my house saying he was going to see Hanmantráo. Dabir returned and told me he had not seen Hanmantráo. That was the only time he told me he was going to see Hanmantráo."

In cross-examination this witness said :—

"It is correct that Dabir said that I stated in my letter Rs. 3,000 or Rs. 3,500 would be required. I wrote this letter after the amount had been settled at Hanmantráo's for Rs. 3,000. It was not necessary to mention in the letter Rs. 3,500, but it was a rough way of writing. When Dabir came at Ganesh Chaturthi he asked me why I had mentioned Rs. 3,500. I do not remember if he asked the day he arrived or the next day. I said it was true I had received Rs. 500 more from him. That was a rough way of writing and I had therefore written it. The Rs. 500 might be used for his marriage or he might take it away with him. I did not know in August when he came to Poona that he wished to be married again. In August, five or six days after Dabir came to my house, the parents of several girls came to Dabir to open negotiations. I first knew Dabir wanted to be married when these girls came. This was a day or two after he came to put up with me. He was only with me four or five days. These girls came after he had asked me about the Rs. 500. When I told him he could use the Rs. 500 for his marriage, I knew for certain he would get married, as he had become a widower so young. He had not spoken to me or written to me about it."

About the transactions after he came to Poona, Dabir's own account is this :— **Dabir.**

"In that same month of August I myself went to Poona and put up with my father-in-law Sátbhái. My wife had died on the 14th July 1887. She died at her father's house in Poona. I was in Poona on Ganesh Chaturthi (22nd August 1887). I arrived in Poona about the 21st. While in Poona my father-in-law took me to Hanmantráo Rághavendra's house. I cannot fix the date. I was in Poona five or six days altogether. We went to Hanmantráo's in the morning and found him at home. I do not remember if any one beside my father-in-law, Hanmantráo and I was present during the interview which took place. Sátbhái said to Hanmantráo, 'Dabir has come, he is the man who is anxious to get a mámlat. Hanmantráo said, 'Very good,' and demanded the money. We asked him, if payment was made was he sure I would get the mámlat? He said, 'Yes.' We promised to bring the money next day. He said, after I had brought the money to him, he would take me to the Commissioner. He also said that in September or October there would be vacancies and I would be given one of them. He was to receive Rs. 3,000. That sum was not mentioned at that interview. It had been previously settled. I then returned home, and next day I went again to Hanmantráo's about 7 or 8 a.m. Rámchandra Gopál Javarkar accompanied me on this occasion. I sent for him in the morning and he came, and I asked him to go with me. He and I took Rs. 3,000 with us to Hanmantráo's house. Rs. 1,600 were in notes and Rs. 1,400 in cash. The cash was in two bags, each containing Rs. 700. At Hanmantráo's house we saw Hanmantráo, who was alone. Hanmantráo was in the back of the house upstairs. We went up and placed the money before him. Hanmantráo returned the notes to me and removed the bags. He returned the notes, and told me to keep them. The two bags he himself removed to another part of the house. He asked me to wait till he had taken his meal, as he wished to take me to the Commissioner. It had been arranged with me the previous day that I was to be taken to the Commissioner. I waited. Jovarkar left. I do not remember if it was before or after I was asked to wait. The notes were returned to me instantly. After Hanmantráo had taken his meal, he and I drove to the Commissioner's bungalow at Kirkee. I took the notes with me. At the Commissioner's bungalow I was taken by

Visit to Poona.

Payment of Rs. 3,000.

Hanmantráo to a verandah. There he gave me a chair, took the notes from me, and went inside the bungalow asking me to wait. After a few minutes he returned, and told me the Commissioner was going to see me. By the Commissioner I mean Mr. Crawford. Shortly afterwards Mr. Crawford came out. Then pointing at me Mr. Crawford asked Hanmantráo who I was. Hanmantráo replied, 'He is Dabir,' and said, 'He has paid Rs. 3,000.' The Commissioner said, 'Very good.' Then Mr. Crawford said to me I was considerably high on the list of candidates for mámlats, and that I would soon get a mámlat. Mr. Crawford told me not to speak of this to anybody. That is all I remember. Then I and Hanmantráo drove away together. From there I returned to my father-in-law's house and Hanmantráo went on to his. From Poona I went back to Chopda."

Interview with Crawford.

In cross-examination he said:—

"When I went to Hanmantráo's house I was not willing to give Rs. 3,000 for an acting appointment. I expected to get a pukka Mámlatdárship. I expected that in September or October. Hanmantráo promised it to me then. Between the 23rd August and October there were, I know, two pukka appointments which fell vacant in the Central Division. I am not aware that there were also some acting vacancies in this time. I paid no attention to the acting appointments. That was not what I was looking for."

Confirmation by Jovarkar and Pitámbar Joshi.

Jovarkar swore to having taken Sátbhái to Hanmantráo and having assisted in the corrupt negotiation spoken of by the latter, and also to having gone with Dabir to Hanmantráo for the purpose of completing the transaction. This man was down to February last a kárkun in the Commissioner's office. He reached the age for compulsory retirement and obtained some extension of service, but Mr. Crawford negatived any further extension. Pitámbar Joshi says he saw Dabir and Sátbhái at Hanmantráo's house.

Character of witnesses.

Of these principal witnesses, Dabir, if there be truth in his story, shows himself in no sense a victim of extortion or pressure, but a man who himself conceived the idea of offering a bribe for that to which he had no special claim. Sátbhái represents himself as an accomplice in the act, and Jovarkar and Pitámbar Joshi do the same.

Yádavráo's story of the draft orders. Ex. V. Ex. BD.

To confirm this story Yádavráo was called. Yádavráo says that in December 1887 the first draft order affecting Dabir appointed him to Bhusával, and that a second was then drawn sending Láte there and Dabir to Chopda, and this is true. Mr. Crawford explains this by saying that the first was a mistake, that his orders had been misunderstood. Yádavráo says, the first draft—

"Is my handwriting. I wrote it at Mr. Crawford's bungalow. Mr. Crawford told me to write a draft at the dictation of Hanmantráo. He gave me these instructions and went out of the office room. The instructions for the whole of what is written were dictated to me by Hanmantráo, who had a memorandum. I see the last paragraph which is cancelled. Hanmantráo knew that Dabir was some time before head kárkun at Chopda. I know this from the conversation Hanmantráo had with me at the time. But as he did not know at the time in what particular táluka he was, it was simply written, 'Head kárkun in Khándesh.' It was Hanmantráo who told me to write this description—head kárkun in Khándesh. The last paragraph, that about Dabir, has 'cancelled' written across it. The cancelling cross lines were made by me, but the word cancelled was not written in my presence. The paragraph was crossed out because B. N. Dabir wanted the mámlat of Chopda. This I knew from what Hanmantráo told me. Here he was appointed to Bhusával. Another memorandum was prepared along with this, and as Mr. Láte's appointment was made about the same time, I crossed out Dabir's by Hanmantráo's orders."

The second order, he also says,—

"Is in my handwriting. It was written on the same day, at the same time and place from Hanmantráo's instructions. It was written after finishing Exhibit V, when it occurred to Hanmantráo that Dabir wished to have the Chopda mámlat. I cannot be certain if I wrote this before or after I scored out the last paragraph of Exhibit V. Hanmantráo placed the draft on the Sáheb's table for signature. The Sáheb was not there. I did not stay there till the Sáheb returned. I and Hanmantráo left the bungalow together at about 8 or 8.30 that night. I left the drafts there."

If this story be true, if Hanmantráo really did first make and then alter an order of appointment, and did so with Mr. Crawford's express sanction, it would go far to prove

that there was something wrong about it, and to support the case of corruption. But the story rests upon the credit of Yádavráo, a witness to whom we can give no credence. Yádavráo's explanation of the use of the words "Head kárkun in Khándesh" is inconsistent with Pendse's evidence that no information had reached the office of Dabir's having left Chopda. His story of Hanmantráo's remembering that Dabir wanted the mámlat of Chopda is inconsistent with Dabir's own account of what he paid for and expected, which was a permanent mámlat in September or October without any mention of place. Yádavráo was not called with regard to Dabir's case upon Hanmantráo's trial. He was examined about Sindekar's case and spoke of drafting an order at Hanmantráo's dictation, meaning probably this order. But he told nothing of the conversation sworn to now. And his name was not in the list of witnesses with respect to this charge furnished before we sat. Reliance was placed by the prosecution upon the circumstances of Dabir's being described in the official order as "Head kárkun in Khándesh" instead of head kárkun at Chopda as negativing the idea that he was supposed to be then at Chopda. We think this an unreasonable suggestion in the face of the positive evidence of both Mr. Crawford and Pendse. And the allegation made that such a loose mode of description was a thing without parallel turned out not to be in accordance with fact, for several instances of similar laxity were brought to light.

Cannot be believed.

Form of order.

Further confirmation of Dabir and Sátbhái is sought in Dabir's borrowings and transmissions of money. It must, we think, be accepted as true that he did borrow Rs. 3,200 from Mánek Ratirám, the Chopda sáwkár, in the sums and at the times alleged. It seems a strange thing that a head kárkun on Rs. 50 a month should be able to borrow Rs. 3,200, upon no security, at 9 per cent. interest, a low rate for this country; but we see no reason to disbelieve the sáwkár and his books. As to the alleged transmissions of money, the first is, we think, established; the post office declaration shows that currency notes, of which the numbers are given, were declared as sent by post on the 22nd of June 1887. The second remittance of Rs. 1,000 by hundi probably took place. Bukan Chimanlál speaks to having bought such a hundi; but he had given an account in Hanmantráo's case inconsistent with this. Mánekchand Gatushet, sáwkár of Chopda, says he sold a hundi to Bukan, and his day-book shows an entry of a hundi for Rs. 1,000 sold in the name of Sátbhái by the hand of Bukan and it is shown to have been drawn on Alabakas. The entry as printed shows the date as the 1st Ashádh Sudh; but the book is kept in a manner usual among men of his class in the form of half-monthly accounts, the date 1st Ashádh Sudh only means that the account is for the fifteen days commencing with that day, and in that account the preceding entry is dated the 14th. The probable inference is that the hundi was sold on the 14th or 15th. Sátbhái said he sold the hundi to V. A. Jabde in Poona. Jabde's firm had places of business in Bombay and Poona and the books of that firm in both places are in evidence. The Bombay book shows a hundi for Rs. 1,000 on Alabakas cashed on the 14th Ashádh Sudh or 4th of July, and the Poona books show a corresponding entry the next day. There is nothing in either book to show that the hundi was purchased from anybody, there is nothing to connect Sátbhái with the transaction, though Sátbhái had an account with the firm, there is nothing to identify this hundi with the hundi sold at Chopda, and the dates make the identity unlikely. On the whole we have little doubt that a hundi for Rs. 1,000 was sent to Sátbhái, but we are not inclined to believe his account of what he did with it. As to the third remittance of Rs. 1,500 said to have been sent by the hands of Bukan, we have nothing to confirm Dabir and Sátbhái but the word of Bukan, who says he brought Rs. 1,400 in cash, and one Rs. 100 note to Poona. It does not seem a likely thing that a man should carry Rs. 1,400 in cash, about 40 lbs. avoirdupois of silver, from Chopda in the north of Khándesh to Poona, but it is not impossible. The one thing certain as to this part of the case is that large sums of money were sent by Dabir to Sátbhái in Poona.

Money borrowed and remitted.

Ex. BL.

Ex. BC.

Ex. FI.

Ex. BS.

Ex. BT.

But for confirmation of Dabir's and Sátbhái's story of corruption the prosecution relied mainly on the evidence of Pendse, who was called to prove that having regard to the low place of Dabir on the list of candidates for mámlats and the number of men over whose heads he obtained his acting appointment, that appointment was on the face of it so strange a one as to give reasonable ground for supposing it to have been corruptly made. In support of that view, which was opened to us on behalf of the prosecution, Pendse produced the following list:—

Alleged strangeness of Dabir's appointments.

Pendse's evidence.

"*Statement showing the Names of Officers qualified for Mámlats and superseded by Mr. Balwant Náráyan Dabir, B.A., by his appointment as acting Mámlatdár of Chopda in December* 1887.

Serial No.	Name.	Office held at the Time of Supersession	Pay.	Date of passing the H. S. Examination.	Remarks.
1	Shankar Chintáman Rájwáde -	Deputy Chitnis, Sholápur Collector's Office.		October 1882	Usual state of health good; intellectual capacity good; general character good; fit for promotion in every respect. (Fleet.)
2	Lakshman Narsinh - -	Head Kárkun, Táluka Bhusával.		Do. -	Usual state of health good; intellectual capacity good; general character good; Mr. Loch writes "a careful, intelligent officer." My only experience confirms this opinion. (Cooke.)
3	Mádhavráo Dádáji - -	2nd Clerk, Collector's Office, Násik.		Do. -	Usual state of health good; intellectual capacity fair; general character good. (Woodward.)
4	Annáji Ganesh Tilak - -	Sub. *pro.-tem.* Huzúr, Native Accountant.		Do. -	Usual state of health good; intellectual capacity intelligent and steady; general character good; well qualified for promotion. (East.)
5	Náro Bháskar - -	Head Kárkun, Táluka Igatpuri.		Do. -	Usual state of health good; intellectual capacity fair; general character good. (Woodward.)
6	Anant Raghunáth Modak, L.C.E.	Head Kárkun, Sátára District.		Do. -	—
7	Purshotam Wáman Sáthe -	Head Kárkun, Táluka Sinnar.		Do. -	Usual state of health good; intellectual capacity fair; general character good. (Woodward.)
8	Raghunáth Náráyan Abhyankar.	Head Kárkun, Táluka Karmála.		Do. -	Intellectual capacity good; usual state of health good; general character good; fit for promotion in every respect. (Fleet.)
9	Shivrám Sadáshiv Bhide (had already been appointed once to act at Nandurbár in September 1886, "Gazette," page 817).	Head Clerk, Collector's Office, Khándesh.		Do. -	Usual state of health good; intellectual capacity good; general character good; maintains his character for good work. Mr. Loch writes "did "his work well when acting at "Nandurbár." (Cooke.)
10	Vináyak Narhar - -	Deputy Chitnis, Násik Collector's Office.		Do. -	Usual state of health good; intellectual capacity good; general character good. (Woodward.)
11	Wáman Bálkrishna Deshpánde	Head Kárkun, Táluka Jalgaon.		Do. -	Usual state of health good; intellectual capacity good; general character good. I have had no experience of him. (Cooke.)
12	Wáman Abáji Shirolkar -	Head Kárkun, Sháháda Táluka.		Do. -	Usual state of health good; intellectual capacity good; general character good; intelligence good; apt to make random answers and hence to mislead. (Cooke.)
13	Rámchandra Bháskar Phátak	Head Kárkun, Táluka Khed.		Do.	Usual state of health good; intellectual capacity middling; general character fair; qualified for promotion. (East.)
14	Náráyan Rámchandra Sudáme	Deputy Chitnis, Poona Collector's Office.		Do. -	Usual state of health good; intellectual capacity good; general character good; an intelligent man, respectable and good English scholar; recommended for promotion. (East.)
15	Govind Sitárám Támbane -	Police Accountant, Sátára.		April 1883 -	—
16	Keshav Janárdan Agáshe, B.A.	Head Kárkun, Sátára District.		Do. -	—
17	Rámráo Hanmant Rájguru -	Deputy Chitnis, Sátára -		October 1883	—
18	Náráyan Hari Ghárpure, L.C.E.	Head Kárkun, Amalner Táluka.		Do. -	Usual state of health good; intellectual capacity good; general character good; reported to be well qualified for a mámlat. (Cooke.)
19	Rámchandra Ballál Phansalkar, B.A.	Head Kárkun, Poona District.		October 1885	Usual state of health good; intellectual capacity good; general character good; efficient, deserves promotion. (East.)
20	Náráyan Abáji Párnáik, B.A.	Do. - -		April 1886 -	Usual state of health good. (East.)

This statement was first produced by the witness in the case against Hanmantráo. What he then said about it in chief was this :—

"I have drawn up a statement from the lists in the official records showing the names of the officers who were superseded in consequence of the appointment of Mr. Dabir to act as Mámlatdár of Chopda in December 1887. I have in this statement set forth the offices then held by the men who were superseded when Mr. Dabir was appointed to act as Mámlatdár. I have also set out the dates on which these men

passed their Higher Standard Examination. Under the head of remarks I have set out the remarks on the different persons from the quarterly statements submitted by the Collectors, and I specify the names of the Collectors. I have excluded from this statement any doubtful cases of supersession. I produce the statement accordingly. Of the 20 persons entered in the statement and superseded, there were five men in Khándesh District, of whom one (No. 9 in the statement) was the head clerk to the Collector of Khándesh who had previously acted as Mámlatdár of Nandurbár in September 1886, and of whom one, No. 18, was Náráyan Hari Gharpure, who had the degree of L.C.E. I could not and cannot see anything in Mr. Dabir's record as gathered from the quarterly statements to account for his promotion."

He said also in answer to the Court:—

"The remarks in the statement produced by me have been copied from the latest quarterly statements available preceding the date of Mr. Dabir's appointment."

We now know that the last quarterly statements available in December 1887 were, for Poona, December 1887, for Násik, June 1887, for Khándesh, March 1887, for Sholápur, March 1887, for Nagar, June 1885, while for Sátára there were none at all.

Before us the witness said in chief:—

"I have prepared a statement showing the number of men who were higher than Dabir on the list and who were qualified to act as Mámlatdárs in the Central Division. I have myself taken out the statement of appointments held by these persons at the time. I have also taken out the dates of passing the Higher Standard Examination."

"In the column of remarks I have put down those made by the Collector in the last quarterly statement available. They only refer to the last quarter available."

And again:—

"The heading of column 3 should be 'Office as shown in the last available quarterly statement.'"

He went on to say that he had taken steps by the examination of men's service books and otherwise to ascertain the real facts as to the matters entered in column 3; but he admitted in cross-examination that he did this only after he had been already cross-examined upon his other list. The list was gone through by the witness; and as to most of the names in it he could give us no materials for saying whether the statements in column 3 were true or untrue. Of the cases in which he had such materials the list proved more often wrong than right.

But the witness further made other admissions which completely dispose of that matter. He admitted, and there can be no doubt of the fact, that acting appointments never have been given according to any rule of seniority. He admitted that it is quite an unusual thing, though it has been done, to bring a man for an acting appointment from a district other than that in which it occurs. He admitted that the usual, though by no means the invariable, practice in the case of short acting appointments to mámlats is to choose the head kárkun at the place if he is qualified. The December appointment was a short appointment, and everybody in the office supposed Dabir to be head kárkun at the place, and he was qualified. He admitted that when such an appointment has been made, and for any reason the vacancy is prolonged, it is usual to re-appoint the same man. The December vacancy was in Khándesh, and of the 20 men in Pendse's list only five are now said to have been in Khándesh, of whom one was already an acting Mámlatdár and about two more we know nothing. We are constrained to say that this statement is a deceptive document, that Pendse's use of it was very uncandid, and the case based upon it, of Dabir's appointment being exceptional in character, is untrue. Dabir's appointment in December 1887 was, so far as the facts were known in the office, more strictly in accordance with routine than any other that could have been made. The renewal of his appointment in April was quite in accordance with the usual practice and his appointment to Amalner had in it nothing exceptional or which can reasonably arouse suspicion. This true explanation of the orders was given by Mr. Crawford in his evidence in Hanmantráo's case.

Real character of the appointmen

The circumstances of the case are adverse to the case for the prosecution. Dabir's story is that in August he paid Rs. 3,000 for a permanent Mámlatdárship. He got nothing at all till December, and then only an acting appointment, and yet in September one man was appointed *sub. pro-tem.*, and in December another by the "Gazette" which appointed Dabir to act. Of the matters relied on by way of confirmation, the only points

Circumstances adverse to the prosecution.

Ex. BE. satisfactorily proved are that Dabir borrowed Rs. 3,200 in Chopda, and remitted considerable sums to Poona about the time in question. The destination of those sums is wholly obscure. Sátbhái says that he had arranged with Hanmantráo for a specific sum Rs. 3,000. Yet he is said to have written to Dabir for Rs. 3,000 or Rs. 3,500, and the larger sum is said to have been sent. He is said further to have told Dabir that the money would be wanted at the end of September. Yet Dabir began borrowing at interest in June. Besides this there was another object for which Dabir might well have to send money to Poona. His wife was ill at her father Sátbhái's house and died there in the middle of July. Negotiations were immediately opened for a second marriage, which came off in December of the same year. The remittances may well have been connected with these circumstances. We are by no means satisfied that Dabir paid the money he alleges to Hanmantráo, and there is nothing in the case affecting Mr. Crawford except the interview sworn to by Dabir. His story as to that matter would be extremely improbable even on the assumption of Mr. Crawford's guilt; and Mr. Crawford has denied it. We are of opinion that Mr. Crawford is not guilty of this charge.

Conclusion.

Bápat's Case.

Charge. The charge is, "that you personally, on or about the 6th or 7th day of June 1886 "corruptly received the sum of Rs. 1,000 from Shankar Bhálchandra Bápat, then acting "as extra Native Assistant to the Commissioner, Central Division, as an inducement to "favour the said Shankar Bhálchandra Bápat in your official capacity of Commissioner, "Central Division; and, secondly, that you, by your agent Hanmantráo Rághavendra, "on or about the 3rd or 4th day of February 1887 corruptly received from the above-"named Shankar Bhálchandra Bápat the sum of Rs. 500 as an inducement to favour the "said Shankar Bhálchandra Bápat in your official capacity of Commissioner, Central "Division."

Bápat's service up to May 1886. In 1885 Bápat, a B.A. of the Bombay University, then fourth grade Mámlatdár of Bhimthadi in the Poona District, was selected by Mr. Robertson, the Commissioner, Central Division, to act as Native Assistant in his office during the absence on sick leave of K. B. Pendse, the permanent incumbent. His salary while so acting was Rs. 375 per mensem. In the end of March 1886 Mr. Robertson was succeeded by Mr. Crawford and left on record a very favourable opinion of Bápat. On the 8th of April 1886 Mr. Crawford submitted a proposal to Government for the employment of Bápat as an extra Native Assistant for six months from the expiration of Pendse's leave on the 31st of May following, in order to dispose of a heavy arrear file of watan cases, and recommended that while so employed he should be allowed the pay of a sixth grade Deputy Collector, namely, Rs. 300 per mensem. The re-employment of Bápat was sanctioned, but the recommendation for his receiving Deputy Collector's pay was not approved, and his remuneration was in effect fixed at Rs. 200 per mensem. On the 26th of May Bápat wrote to Mr. Crawford asking him, in consideration of his services in the office, to give him a lift in the arrangements for filling up a *sub. pro-tem.* vacancy that had occurred in the third grade of Mámlatdárs. Mr. Crawford replied the following day that he did not see his way to accede to Bápat's wishes at the moment, that the *sub. pro-tem.* vacancy hinged on the return of Bápat's father which Mr. Crawford fancied was imminent, and that Bápat might rely on his giving him the first promotion possible.

Ex. 169.
Ex. 167.
Ex. KS.

This brings Bápat's official relations with Mr. Crawford up to the 27th of May 1886. As Native Assistant he was in the habit of taking papers connected with his duties to Mr. Crawford, and he says that in the end of May he once asked Mr. Crawford to keep him in the office after his acting appointment of Native Assistant terminated. What followed is thus told in his own words:—

ápat's story to first yment.

"I know Hanmantráo. I met him once at Patwardhan's. Hanmantráo made a certain communication to me on this occasion. After that I received a letter from Mr. Crawford. I went to see Mr. Crawford immediately on receipt of that note. I saw him in the road at the gateway of his compound. He was driving somewhere. He got out of his carriage and asked me if Hanmantráo had seen me. I said, 'Yes.' I had got out of my carriage. He said he was in need of money and I should give him Rs. 1,000. I said 'Yes,' and I came back to my house. I had with me no papers or official work of any kind. When I had seen Hanmantráo he had told me that if Mr. Crawford made any demand I must not refuse him. Next day I drew Rs. 700 from the savings bank. I produce the book. I had Rs. 300 of my pay in notes. I had received my pay for the last month. I changed the money into notes. I had about Rs. 100 in cash. Having got the Rs. 1,000 in notes I took them to Mr. Crawford, probably the next day after I drew the money from the bank. I am not quite certain as to the exact day. I took

the notes to the bungalow at Kirkee. That was in the morning. I saw Mr. Crawford. He asked me if I had brought the money, and I said 'Yes.' I handed him over the packet of notes. He said, 'Regard it as a loan, and lock up your tongue.' He further said he had taken me by his hand and he would not leave me. This was all said in English."

The letter referred to runs thus :—"Please come out and see me at once in a gharry." Ex. KT.
The savings bank book of the wife of S. B. Bápat shows a sum of Rs. 700 withdrawn on the 5th June 1886. Ex. KU.

Bápat's subsequent services.

Bápat, under the sanction above quoted, remained in the Commissioner's office and drew a salary of Rs. 200 up to November, when he was appointed a second grade Mámlatdár and his pay was raised to Rs. 225, *i.e.*, Rs. 25 above that of his substantive appointment. Previous to this in July he had been promoted to a second grade mámlat consequent on the appointment of Ratanji Edalji Kánga by Government to act on probation as Daftardár to the Collector of Khándesh; but the Accountant General held, that there was no vacancy and the appointments made to fill it, Thakár's and Bápat's, did not take effect. On the 15th of January 1887 Bápat, whose term as extra Assistant Commissioner seems to have been extended as he was still filling that office and drawing Rs. 225 per mensem, wrote to Mr. Crawford asking that he might be appointed to succeed B. G. Sáthe, who was about to be employed on other duty, in the post of Native Assistant, and offering, if it were thought necessary, to take up the duties of both the Native Assistant and the extra Native Assistant. To this Mr. Crawford replied on the 17th that he would of course get Bápat nominated to act for Sáthe directly the time of his special duty expired at the end of the following month; but that Bápat could not expect him to stultify himself by saying that Bápat could do both duties when he had already asked for an extension of the appointment because he must have an extra hand. He recommended him to finish off the watans, saying that there would then be an additional and unanswerable argument in his favour.

Ex. GZ.
Ex. 79.
Ex. 168.
Ex. KY.
Ex. KY.

What followed on this correspondence is thus described by the witness :—

Bápat's story: second transaction.

"I had an interview with Mr. Crawford 15 or 20 days after I wrote this. Before I went to Mr. Crawford, Patwardhan or Deshmukh came to me and made a certain communication to me. I saw Mr. Crawford at his bungalow at Kirkee. At this interview I asked him if there was any chance of my getting promotion in the rank of Mámlatdárs or Deputy Collectors. He said there was a vacancy in the grade of Mámlatdárs, and there was every chance of my getting a Deputy Collectorship. He then asked me for another thousand rupees. I said I had not so much amount with me. I could only advance Rs. 500. He said 'All right, arrange for me then.' I then came back. After that I drew out Rs. 300 from my own savings bank book. I had Rs. 200 of my pay with me in notes. I took the Rs. 500 with me to Hanmantráo. Patwardhan went with me. I told Hanmantráo to take the money to Mr. Crawford. I had no special reason for not taking the money myself. By the 'Gazette' of the 10th of February I was gazetted to the first grade. This 'Gazette' was out before I paid my Rs. 500, a few days before I paid it. The order appointing me (31st January) was after my conversation with Mr. Crawford. * * * The order of 31st January did not affect my pay so long as I remained extra Assistant."

Corroborative evidence.

One witness, Vishnu A. Patwardhan, was called to support Bápat, and he said :—

"In May 1886 I was police accountant, and knew Bápat, the last witness, and Hanmantráo. I took messages to Bápat by Hanmantráo's orders. I was present when Bápat and Hanmantráo met. That was at my house. Hanmantráo asked Bápat whether the Commissioner had asked him so and so, and whether he had replied to him so and so. Besides that Hanmantráo said nothing to Bápat on that occasion. Hanmantráo said, 'Bápat will now get a post in the Commissioner's office.' Shortly after this interview Bápat asked me to change certain cash for notes. I did so. The amount was small—Rs. 100 to Rs. 150. I had notes with me. I did not deliver any further messages from Hanmantráo to Bápat. I went with Bápat to Hanmantráo's. I do not remember the first occasion. Bápat asked me to accompany him to the house. I led the way. He saw Hanmantráo on that occasion. They talked to one another aside. I did not see anything happen.

In cross-examination he said :—

"I was in the room when Bápat and Hanmantráo met on that occasion. It was evening time. It was dark. There was a light in the room. I could see what happened in the room, but not hear."

And in re-examination :—

"The room was a spacious one, and they were in a corner from which I was about 0 feet."

Bápat's savings bank account.

The further circumstances relied on to confirm the story are that on the 5th of June 1886 Bápat drew Rs. 700 from his wife's savings bank account, and on the 2nd of February 1887 Rs. 300 from his own. Except his own word there is nothing to show the purposes to which these sums were devoted, while on the other hand in February 1887 the amount was drawn two days after the Commissioner had promoted him, and according to his own account he gave his father Rs. 2,000 towards the purchase of a house, which cost about Rs. 5,500, in the same month.

His story improbable.

The improbabilities on the face of this story are clear. The request said to have been made in the end of May, that Mr. Crawford would keep him in the office, is inexplicable in view of the fact that more than a month previously Mr. Crawford had recommended this officially to Government. It is not to be supposed that the head of one of the branches of the office was left in ignorance of a proposal sent up through the office which so vitally affected his interest, and the communication received from Hanmantráo that if Mr. Crawford made any demand Bápat was not to refuse him, seems altogether superfluous. The account of the second interview placed in the beginning of February seems equally improbable. Bápat, as he says, asked if there was any question of his being promoted in the grade of Mámlatdárs or Deputy Collectors, but only two months previously he had got a step in the grade of Mámlatdárs, and he had never, so far as the documents show, asked for a Deputy Collectorship. What he did then want, as proved by the letter above quoted of the 17th of January, was to act for Sáthe as Native Assistant. Promotion to the first grade did not, as he admitted above, give him any immediate increase of pay.

Circumstances under which Bápat made his statement.

At the time of Mr. Crawford's suspension Bápat was Mámlatdár of Nevása in the Nagar District and to his surprise was suspended the same day as Mr. Crawford. He went first to Nagar and put up with a Vakil, Vishvanáth Keshav Patwardhan, an uncle of V. A. Patwardhan, the Head Clerk, who, on the day of Mr. Crawford's suspension, was sent away from Poona to Khándesh. At Nagar Bápat saw and had a talk with Deshmukh, the Treasurer there, who has admitted himself to be a medium of communication with Hanmantráo and Mámlatdárs. He then came to Poona, went to see Deshpánde, who was then City Mámlatdár, and saw several of his other friends, including a clerk in the Commissioner's office, who he is not sure was not Yádavráo Sáthe. Five or six days afterwards, in the beginning of August, he went and made a statement to Mr. Ommanney. His reason for making a statement was that he had the impression that certain persons were giving false information, that someone had given false information about him, and that he wished to explain to Mr. Ommanney and remove any misunderstanding. He went repeatedly to Mr. Ommanney's bungalow, and was employed for a week or two there doing translation work connected with this case. Subsequently, on the first of October, his suspension was removed, and for the period of suspension he has received half pay.

pat's appointment t unprecedented or spicious.

There is nothing in Mr. Crawford's action to excite suspicion. The appointments alleged to have been corruptly made are those of July and November 1886 to a second grade, and that of February 1887 to a first grade mámlat. It is suggested that such promotions were unprecedented and could only have been made from a corrupt motive, but we have shown in an earlier part of this report that such promotion was not unprecedented. Bápat had been favourably reported on by Mr. Robertson from January 1886; he had been acting in an appointment graded with Deputy Collectorships, and his acting allowances had exceeded those of a Deputy Collector of the sixth grade. In April Mr. Crawford recommended that when employed as extra Native Assistant he should get the pay of the lowest grade of Deputy Collectors, and this before any corruption is hinted at. Government, though they did not accept Mr. Crawford's proposals in full, yet sanctioned for Bápat the pay of a second grade Mámlatdár.

x. 167.

awford's nduct wards pat inconent with ruption.

Mr. Crawford's conduct towards Bápat on other occasions does not harmonise with the story of corruption now told. In the end of May 1866, when according to Bápat he was in communication with Patwardhan and Hanmantráo on this business of corruption, Mr. Crawford wrote to the Private Secretary to the Governor respecting arrangements in his office consequent on the expected retirement of his Assistant, Mr. Kyte. In that letter no reference is made to Bápat. On the 30th in reply the Private Secretary suggested that Pendse should succeed Mr. Kyte, and that Bápat should get Pendse's place of Native Assistant in which, as we know, he had been acting for six months, adding that his confirmation before many of his seniors would elicit the usual

. KV.

. KW.

shriek of indignation. On the 1st of June, two days later, Mr. Crawford wrote as follows: "I agree with you that it would be unfair to seniors if Mr. Shankar Bhál- " chandra Bápat were put in yet awhile. He will ripen here in my office, clearing off " the dreadful arrears of watan work for which purpose I have already asked for his " services for six months." Mr. Crawford went on to suggest that Pendse should succeed Mr. Kyte, and that B. G. Sáthe, of whom he had received a favourable character, should be brought in to succeed Pendse. No better opportunity to push on Bápat could have been wished for, yet Mr. Crawford deliberately declined to avail himself of it, though, according to Bápat, he was then endeavouring to induce him to pay him money. Again in the following January, when B. G. Sáthe was leaving the office for a time, the correspondence between Mr. Crawford and Bápat already quoted shows that the former would by no means take any unusual step to promote Bápat's wishes, though an occasion for doing so then presented itself, this also being according to Bápat's story a short time before Mr. Crawford asked him for Rs. 1,000, and received from him Rs. 500 through Hanmantráo. Ex. KX. Ex. KY.

Mr. Crawford contradicts so much of Bápat's story as affects him, and denies all knowledge of corruption.

We are of opinion that Mr. Crawford is not guilty of the charge.

Pradhán's Case.

The charge is "that you, by your agent, Hanmantráo Rághavendra, in or about the " month of July 1886, corruptly received the sum of Rs. 1,500 from Bhagwant Bal- " want Pradhán, Aval-kárkun of the Nagar Táluka in the Ahmednagar District (on " leave), as an inducement to show favour to the said Bhagwant Balwant Pradhán in " your official capacity of Commissioner, Central Division." Charge.

Pradhán is an officer of some standing. He passed the Higher Standard Examination on the 3rd of November 1880, and in 1886 his substantive post was Head Kárkun of Nagar, and he had officiated as Mámlatdár more than once before that year. In the Civil List for the 1st of April 1886 Pradhán is entered as acting at Nagar for Ganesh P. Thakár, who was employed on special forest duty. Thakár was to return at the end of June 1886, and then Pradhán would revert to his appointment of Head Kárkun. Pradhán gave over charge on the 5th of July, took leave from the 10th of July to the 1st of August, and came to Poona. The date of his arrival in Poona appears from his evidence to have been the 11th of July 1886 at the earliest. On the 16th July 1886 Mr. Crawford drafted a notification, which he sent to Pendse for examination. In this there is an order appointing Pradhán to act as Mámlatdár at Dindori in the Násik district. In the margin Mr. Crawford wrote, "This man (*i.e.*, Pradhán) is just being " turned out at Nagar by return of Ráo Sáheb Thakár from special duty." This draft notification was cancelled on the 19th of July and a notification was issued in which an appointment was not given to Pradhán. On the 22nd of July 1886 Mr. Crawford, in reply to the Private Secretary's letter dated the 20th of July, wrote that Thakár was available to act at Nagar. In a letter dated the 23rd of July Mr. Hart wrote that Thakár was to act as Huzur Deputy Collector, Nagar, during Mr. Hamilton's absence. The Nagar mámlat thus again became vacant for two and a half months, and by order dated the 26th of July, gazetted the 29th of July 1886, Pradhán was appointed to act for Thakár as Mámlatdár of Nagar. By an order dated the 10th of August, and gazetted the 12th of August 1886, Pradhán was appointed *sub. pro-tem.* fourth grade. Pradhán's service. Visit in July 1866 to Poona. Ex. 9. Ex. 94. Ex. 95. Ex. HL. Appointed to act at Nagar. Ex. HM

On the 30th of October 1886 (the month is not entered on the letter, but it is evidently October), Mr. Waddington, the Collector, wrote a letter to Mr. Crawford introducing Pradhán as an excellent Mámlatdár and saying that he would be glad to have him in the Nagar district, and that a change of men at Nevása was desirable. On this Mr. Crawford wrote, "See to-day's transfers." This refers to the office memorandum printed in Exhibit 12, which memorandum was sent with a letter to Pendse, dated the 1st of December 1886, in which Mr. Crawford writes:—"Please tell Ráo Sáheb " Pradhán to proceed and report himself to Collector, Ahmednagar, for Nevása.—See " Mr. Waddington's note." In the margin of the memorandum Mr. Crawford has written opposite the order relating to Pradhán, "Mr. Waddington's D.O of 30th October." In accordance with this order, Pradhán, on being relieved at Nagar, was made probationary fourth grade Mámlatdár at Nevása. This order was gazetted on the 11th of November 1886. By an order dated the 29th of January, gazetted the 3rd of February 1887, Pradhán was confirmed in his appointment. He has been since the 1st of July 1888 Mámlatdár of Nagar. Ex. 148. Ex. 12. Appointed probationary at Nevása. Ex. GZ. Ex. HN.

Case for the prosecution.

The case for the prosecution is that Pradhán, during his visit to Poona in July 1886, endeavoured unsuccessfully to see the Commissioner, Mr. Crawford: that in consequence of information received from a peon he went to Hanmantráo and by his means obtained, after promising to pay Rs. 1,500, an interview with Mr. Crawford: that Mr. Crawford knew of the agreement to pay money: that a few days after Pradhán paid the Rs. 1,500 to Hanmantráo, and the appointments of the 29th of July and subsequent dates above set out were the result.

Pradhán's story.

Pradhán's story is as follows:—

Visit to Poona.

"In June 1886 I was acting at Nagar in the place of Thakár. Thakár was on special forest duty. At the end of June 1886 Thakár was to return to Nagar. I should then revert to the Head-Kárkunship of Nagar. I applied for and obtained one month's privilege leave. I got leave from 10th July to 1st August 1886. During my leave I came to Poona. I came immediately after my leave commenced. I put up in Poona with my cousin R. N. Pradhán, an inspector in the Registration Department. I spoke to my cousin about the object of my visit, and then I went to Mr. Crawford's bungalow at Kirkee. This was five or six days after I came to Poona. I was ill five or six days. I did not see Mr. Crawford on this occasion. He was in the

Endeavours to see Crawford.

bungalow. I went again. As far as I remember it was the next day. I did not see the Sáheb. I waited two or three hours at the Sáheb's bungalow. I went again on a third occasion. I saw the Sáheb walking about the garden, but I had no interview with him. I went to the bungalow a fourth time. As I was going into the compound I saw a peon named Máruti. I knew the peon before. The sipáhi told me something. He said to me, 'If you come to the bungalow in that way on many 'occasions, you will not be able to see the Sáheb unless you see him through 'Hanmantráo, the Jághirdár, who lives in Shukrawár Peth.' I did not see Mr. Crawford on that occasion. Next day I went to make inquiries as to where Hanmantráo lived, and I found out. I went there. I saw Hanmantráo. This was the first time I ever saw Hanmantráo. Before that I did not know who he was.

Is directed to Hanmantráo.

Interview with Hanmantráo.

"Hanmantráo asked me who I was and I told him. I stated to him my whole case. I also added that I wished to see the Sáheb, and I requested him to arrange for an interview with the Sáheb. I said to him he had great influence with the Sáheb. Hanmantráo said I would not be able to see the Saheb. I asked him why. He said that if I did not do what the other people were doing I should not be able to see the Sáheb. I asked Hanmantráo what I should do. He said, 'You must pay Rs. 2,000 and then you will be able to see the Sáheb.' I told Hanmantráo I was a family man and could not afford to pay anything. I insisted on Hanmantráo's letting me have an

Agrees to pay Rs.2,00

interview with the Sáheb. Hanmantráo said, unless I paid Rs. 2,000 I should not be able to see him. I wanted to see the Sáheb, so I gave my implied consent. I was not willing to give the money. I said 'yes' to Hanmantráo. Hanmantráo then said to me he and I would go to the Sáheb's bungalow that evening. I returned to Hanmantráo's house that evening. The first interview was in the morning at about 9 or

Goes with Hanmantráo to Kirkee and obtains an interview by promising Rs. 1,500.

10. We went in the evening in a carriage to the Sáheb's bungalow. We went before 8 o'clock. Hanmantráo took me into the Sáheb's bungalow by the rear gate of the compound. There are two gates to the compound. We went in at the second. Hanmantráo took me into a room and asked me to sit there. At that time the Sáheb was not in the bungalow. Hanmantráo told me this. After about 10 or 12 minutes Hanmantráo told me the Sáheb had arrived, and I heard the carriage coming in. After the Sáheb came into the bungalow he went to his sitting place in the rear of the bungalow. Hanmantráo went towards the place where the Sáheb was. I did not hear what passed between them. They had a conversation. Hanmantráo came to the room where I was sitting, and said to me, 'You must pay Rs. 2,000.' I said, 'Let me see the Sáheb.' I again said I was a poor man and a family man. Hanmantráo said, 'You must at least pay Rs. 1,500.' I again said, 'Let me have an interview with the Sáheb.' Hanmantráo said, 'Unless you agree to pay Rs. 1,500 I will not take you to

Interview with Crawford.

the Sáheb.' Then I agreed to pay the money. I was quite helpless. Hanmantráo then took me to the Sáheb and I had an interview with him. I was taken to the room where the Sáheb was sitting. I began stating my claims to the Sáheb and asked him to give me a permanent mámlat. I also stated I was a very poor man. The Sáheb would not listen to the whole of my statement. He said he would give me a permanent place very soon. This was the whole of the conversation. I commenced to repeat what I had stated, but the Sáheb would not allow me to say any more.

"*Q.* You said you were a very poor man? Tell us the precise words you used.

"*A.* I only said I was a very poor man.

"If I am permitted I will state what I now remember to have said. I said, 'I have no means of paying the money demanded.' It was then Mr. Crawford said I would soon get a permanent appointment. I returned with Hanmantráo to the town. I went to my cousin's house, and Hanmantráo went to his own. After this I had some conversation with my cousin the same evening. I told my cousin what had taken place and I took his advice. Before this I do not remember having mentioned Hanmantráo to my cousin. I returned to Nagar three or four days after this, to the best of my recollection. I remember it was in July, but I do not remember the date. I returned to Poona after a day or two, bringing with me Rs. 1,500 in notes and cash. In notes there were about 600 or 650 rupees, the rest being in silver. The money was my own. I kept it my box in my house. It was kept in the box as savings and to avoid family disputes. There was a dispute in the family and I did not want it to be known to my brother's wife about this money. I put up at my cousin's house again in Poona. My cousin was not in Poona. He was travelling in the district with the Inspector-General of Registration. I paid the money to Hanmantráo between 8 and 9 p.m. at his (Hanmantráo's) house. When I paid the money there were two or three men present there. They were in the same room. Two of them I did not know. I know the third. His name was Atmárám Mahádev Lingáyat. I believe the other two were near relations of Hanmantráo. I think so from their faces. I stayed three or four days in Poona and then returned to Nagar. Before I did so my cousin Rámchandra had returned to Poona. I told my cousin what had taken place at Hanmantráo's. What took place was this. Hanmantráo asked a man sitting there to take the money I gave and count it. This was one of the men I did not know. Before leaving Hanmantráo, he told my appointment would appear in the next "Gazette" or the one after it. That is the substance of what took place. Before I left Poona for Nagar my name appeared in the "Government Gazette" as Acting Mámlatdár of Nagar. Thakár was then continuing on special duty, I think. A few days after I was made *sub. pro-tem.* In November 1886 I was made probationary at Nevása. I was confirmed in January 1887. I have had no other dealings with Hanmantráo or Mr. Crawford."

Goes to Nagar and returns with Rs. 1,500

Pays the money to Hanmantráo.

Ex. GZ.

The witnesses Máruti Chorje, Rámchandra Nilkanth Pradhán, and Atmárám Mahádev have been called to support Pradhán's evidence.

Corroborative evidence.

Máruti, the orderly at Mr. Crawford's bungalow, contradicts the most material part of Balwant Pradhán's story. Máruti says that he remembers seeing Pradhán twice at Mr. Crawford's bungalow. On the first occasion Pradhán came between 8 and 9 a.m., and wrote his name on a piece of paper which he gave to Máruti. Máruti gave the paper to Mr. Crawford, who was writing and said he had no time to see Pradhán. Two or three days after this, Máruti says he saw Pradhán again at the bungalow. Mr. Crawford was out and Máruti told Prádhan so. Prádhan then asked him if any big person was in the habit of coming there. Máruti replied that Hanmantráo was in the habit of coming there every four or five days. Prádhan then asked where Hanmantráo lived, and Máruti told him Hanmantráo lived in the town. This, Máruti states, is all that occurred, and he explains that he mentioned Hanmantráo merely because he was the person who came to the bungalow most frequently. The next witness, Rámchandra Pradhán, is a cousin of Balwant Pradhán. He merely states that Balwant Pradhán told him the story of how he had been led to promise to pay the bribe, and that he had paid it. This evidence is of no value. The third witness, Atmárám Mahádev, is not named in the charge as a witness in this case. There are grave doubts, from what Pradhán says himself, whether before he appeared as a witness he mentioned Atmárám Mahádev as a witness of the payment. Pradhán, when examined on this point, said:—

Máruti contradicts Pradhán.

Rámchand Pradhán's evidence o no value.

Pradhán's evidence a Atmárám' presence open to suspicion.

"When I paid the money Atmárám Mahádev Lingáyat was present. This is my recollection. I cannot swear positively he was there. I swear I remember his being there. I have no doubt of it.

"*Q.* Did you ever state to anyone before to-day that Atmárám Mahádev was present?

"*A.* Before I came here to-day I never told anyone Atmárám was present. I did state it before Mr. Ommanney. I gave his name. I thought the question was whether I had told anyone in the Council Hall to-day. I do not recollect telling my cousin if Atmárám Mahádev was there."

Such evidence as this cannot be relied on to prove that Atmárám was present.

Atmárám himself is a witness whose evidence we are not disposed to believe. He says he deals in gold and silver and has sold some to Hanmantráo. Atmárám is a

Atmárám evidence.

witness also in Chaubal's case to the payment of the money. There was no satisfactory reason for his presence when Chaubal alleges he paid money to Hanmantráo, and it is remarkable that he happened to be present also when Pradhán appeared at Hanmantráo's house, and, as he (Atmárám) says, poured out some money. Atmárám did not see any notes produced by Pradhán, and he does not know whether Chaubal or Pradhán paid money first. His evidence is, in our opinion, worthless.

Pradhán's story improbable.

As is apparent from Pradhán's deposition, the manner in which he gave his evidence was very unsatisfactory. He introduces an alleged plan of extortion which had not been set forth in previous cases. Mr. Crawford is represented, contrary to the evidence in other cases, as being inaccessible to anyone who was not introduced by Hanmantráo, and as having a peon instructed to refer Mámlatdárs to Hanmantráo. Pradhán was an experienced official, and it is incredible that, acting merely on the information of a peon, he went off to a man of whom he knew nothing, told him what he wanted, and agreed to pay him a large sum of money to obtain an interview with Mr. Crawford. He says that before he went to Hanmantráo and promised him money he had never seen Hanmantráo, and did not even know who he was. Even supposing that Pradhán had found a difficulty in obtaining an interview with Mr. Crawford, he could easily have obtained a letter of introduction from his Collector, as he did on a subsequent occasion (*see* Exhibit 48). Again, if in July 1886 Pradhán had bribed Mr. Crawford through Hanmantráo, Pradhán would not in October 1886 have taken a letter of introduction from Mr. Waddington (Exhibit 148). It is to be observed also that the supposition that Mr. Crawford refused to see Pradhán and had him directed to Hanmantráo in order to extort a bribe, does not agree with the fact that on the 16th of July Mr. Crawford had put down Pradhán for an acting appointment. Pradhán had not been passed over by Mr. Crawford; he probably knew soon after the 23rd of July that Thakár would get another appointment, and there was nothing to lead him to think that any bribery was necessary in order to obtain the promotion he was entitled to. As to the date of his interview with Mr. Crawford, of his promise to pay the bribe and of the payment, Pradhán's statements are contradictory.

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Mr. Crawford's action in appointing and promoting Pradhán gives rise to no suspicion. Some time before the alleged interview with Hanmantráo, Mr. Crawford was, on the 16th of July 1886, endeavouring to provide for Pradhán when Thakár returned to special duty. This draft order of the 16th of July was cancelled on the 19th of July. Probably it was cancelled because, as shown by Exhibits 94 and 96, Mr. Crawford intended to ask that Thakár might be appointed Forest Settlement Officer at Sátára. This would have caused a vacancy in the office of Mámlatdár of Nagar, and Pradhán would be the proper person to fill that vacancy. However, it is clear that Mr. Crawford had not forgotten Pradhán, and that the appointment of the 26th of July 1886 was a proper and natural one. The subsequent appointments and promotion of Pradhán also seem to be proper. Bháve and Pradhán were the two senior men on the lists of the graduates and non-graduates. Bháve was made *sub. pro-tem.* fourth grade from the 1st of July, by an order dated the 7th of September 1886. Pradhán was made *sub. pro-tem.* fourth grade by an order of the 10th of August 1886. In November 1886, Bháve and Pradhán were appointed on the same day to be probationary Mámlatdárs. Pradhán was transferred to Nevása at the request of the Collector.

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Mr. Crawford denies that he ever directed his peons to refuse Pradhán an interview, and all knowledge of the alleged bribe.

We are of opinion that Mr. Crawford is not guilty of this charge.

Khásnavis' Case.

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The charge is, "that you, by your agent Hanmantráo Rághavendra, in or about the "month of August 1886, corruptly received a sum of Rs. 700, and in or about the "month of September 1886 by your said agent a further sum of Rs. 400, and in "or about the same month by your creditor Nathurám Javárimal a further sum of "Rs. 400, and in or about the month of October 1886 by your said agent Han-"mantráo Rághavendra a further sum of Rs. 1,000, from Mahádev Bálkrishna "Khásnavis, Mámlatdár of Niphád, Násik District, as inducements to favour the said "Mahádev Bálkrishna Khásnavis in your official capacity of Commissioner, Central "Division."

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Khásnavis is a Mámlatdár of long standing. In the quarterly Civil List for July 1886 he stood fourteenth in the second grade, and he was then stationed at Niphád, in the district of Násik. In August 1886 Khásnavis presented a petition dated the 14th,

in which he asked to be appointed a Deputy Collector in the place of a man who he said was about to retire from that office in Sholápur. This petition reached Mr. Crawford through the Deputy Collector and the Collector of Násik. Mr. Crawford returned it with an endorsement as follows, dated the 24th of August :— Ex. HT.

"Applications for Deputy Collectorships should be made direct to the Private Secretary whose list is at present full as the undersigned knows. The applicant stands, however, so high on the list of the second grade Mámlatdárs that he will certainly get his promotion soon to first grade, and in the meantime he should follow the Collector's advice and pass the Higher Standard Examination." Petition sent over.

We do not understand this endorsement, for the man was in fact at the bottom of his grade. But we can see no possible motive for making such a misstatement wilfully, and no reason for attributing it to anything but mistake.

At the time when the petition just mentioned was sent, negotiations were going on with respect to a proposal for the appointment of Khásnavis as Kárbhári of the Native State of Jamkhandi. The pay attached to that post was Rs. 350 a month with Rs. 100 batta, much above that of any Mámlatdár. After much correspondence the matter came before the Government of Bombay, who by Resolution of the 13th of August 1886 ruled that "British officers on leave are not permitted to accept service in a "Native State without the sanction of Government. If a Native State desires to "obtain the services of a British officer, whether on duty or on leave, formal applica- "tion should be made in the usual manner through the Political Agent. Government "will allow Mr. Jatkar to serve in the Jamkhandi State when formal application is "made for the transfer of his services." Jatkar is the same person as Khásnavis. The negotiations on this subject ended by the refusal of the Chief of Jamkhandi to make an application for Khásnavis' services. Khásnavis said in answer to us that the Jamkhandi negotiations went on till a month or two after he paid the Rs. 1,000; and a pencil memorandum on an order about to be further mentioned of the 26th of September confirms this. Jamkhandi negotiations. Ex. HZ. Proc., p. 199 Ex. HU.

By an order of Mr. Crawford's, dated the 26th of September 1886, Khásnavis was appointed to take up and complete the audit duty of the Poona District from the 1st of October. The duty entitled the person who discharged it to a special fee of Rs. 100 in addition to his pay. Several Mámlatdárs in succession had been nominated to discharge the duty in the Poona District in 1886 before Khásnavis, but each had for one reason or another to give it up. His appointment was approved and confirmed by Government in a Resolution of the 14th of October 1886. By another order of Mr. Crawford, dated the 23rd of May, and gazetted the 2nd of June 1887, Khásnavis was appointed *sub. pro-tem.* in the first grade of Mámlatdárs during the absence of G. P. Thakár, acting Deputy Collector. Khásnavis seems to have had a good record. His petition already referred to, which was put in by the prosecution, contains statements which we cannot but suppose are true, as to his having received the thanks of Government for his services during a time of famine and having obtained the approbation of his superior officers on other occasions; and in the private character book, spoken of by the witnesses as the Doomsday Book, Mr. Robertson left on record a favourable opinion of him. Khásnavis remained at Niphád until October 1888. Certain petitions had then, it appears, been presented complaining of his conduct, we do not know in what respect. An inquiry was ordered, and pending the inquiry he was on the 29th of October, in accordance with the wish of the Collector, ordered immediately to give over charge of the Niphád mámlat and proceed to the Sholápur district. Ex. HU. Crawford's orders. Ex. 155. Ex. FQ. Ex. HT. Ex. 154. Ex. 165. Ex. 166.

The case for the prosecution is that Mr. Crawford through Hanmantráo's intervention corruptly received Rs. 2,000 from Khásnavis in four sums on four separate occasions as an inducement to make him a first grade Mámlatdár. Case for the prosecution

The story begins after the presentation of the petition of the 14th of August 1886, in which Khásnavis asked to be made a Deputy Collector. His own account is as follows :— Ex. HT.

"After sending in the petition I came down to Poona. I cannot fix the date. I did not get leave to come to Poona. I came on a Sunday, In Poona I saw Hanmantráo. I went to his house. I arrived in Poona on Saturday night, and on Sunday morning I went to see Hanmantráo. He told me it was not in the hands of Mr. Crawford to give a Deputy Collector's place, but he would get me a first grade mámlat. Hanmantráo said he would take me to Mr. Crawford, and in order to appoint a day for an interview he sent a letter to Mr. Crawford by the hands of a man. The letter was sent while I was there. He took down my address and I left. I was staying in Paránjpe's váda, Gái Alley, opposite the temple of Rám, with Govind Shástri Paránjpe. The Khásnavis' story. Visit to Poona.

same day in the afternoon a man came from Hanmantráo to call me. He came to take me there. I went with him. It was about 3 p.m. Hanmantráo told me Mr. Crawford had called us at 8 p.m. He showed me Mr. Crawford's letter. At 8 p.m. I went again to Hanmantráo's. He and I drove in a gári to Mr. Crawford's bungalow at Kirkee. Hanmantráo went into the bungalow alone. I remained in the carriage outside. The carriage was outside the compound near the gate. Hanmantráo was away for about 10 minutes. He then told me that the Sáheb was very busy, as Mr. and Mrs. Grant were in the bungalow, but that he would see me as I was in a hurry. Hanmantráo and I went into the bungalow to the room on the left side as we entered the bungalow, that is, the room towards the river. On our way to the bungalow from the gári Hanmantráo told me to speak in an under-tone, not loudly. Mr. Crawford was standing in the room facing south. He said to me, 'Hanmantráo has told me all the circumstances of your case.' Placing his hand on Hanmantráo's back, he said, 'Do as this man will tell you.' I had taken my certificates with me, and I said to Mr. Crawford I wished to show them to him. He said, 'Damn those certificates.' That was all that took place. I then left with Hanmantráo. Before getting into the gári Hanmantráo told me I must pay Rs. 2,500. He said this as we were going to the carriage from the room where we were. I told him I had not by me such a large sum. I asked Hanmantráo to state some time within which I should pay the amount. He said he could not give me any time, but I must send the money as early as possible. It was left in that way. I left for Niphád by the morning train, or at night. I reached Niphád at about 8 p.m. Niphád station is beyond Násik. A few days after I returned to Niphád, I received a letter from Hanmantráo in pencil and written in Bálbodh characters. I have torn up the letter. I tore it up directly after reading it. Its substance was, 'As settled send the sum soon.' On the Sunday following I went to my father-in-law, Náráyan Parshurám. I communicated to him what had happened and took from him Rs. 700 as a loan. He is a pleader. I sent seven notes for Rs. 100 each in a registered packet to Hanmantráo. I sent the packet from Niphád. In a few days I received one or two letters from Hanmantráo. I have destroyed them. The letters pressed for further payment. I went again to Násik on a Sunday, and saw my father-in-law again. I took from him a further sum of Rs. 500. I returned with the money to Niphád, and from there sent, in a registered packet to Hanmantráo, four notes of the value of Rs. 100 each. I heard from Hanmantráo again. I have destroyed the letter. Its substance was that Hanmantráo would send a Márwádi and I should pay the whole of the balance to him. On that I wrote to Hanmantráo. Before I received a reply from Hanmantráo a Márwádi had arrived. He came to see me and demanded money. The Márwádi's name was Tárachand. He was putting up in Niphád with Sobháchand, another Márwádi. I asked the Márwádi to wait till I received a reply from Hanmantráo. It wanted two or three days till a reply came. I destroyed that reply. Its substance was that I need not feel insulted on account of the Márwádi coming to me. He had been pressing for money and I was to pay as much as I could conveniently. The Márwádi showed me a cheque and a bond. I gave the Márwádi Rs. 400. After paying this I wrote an endorsement on the bond. The Márwádi gave me a document. I came to Poona, went and saw Hanmantráo, and asked him if he had duly received the money I sent. I showed him the document I had taken from the Márwádi and then I tore it up. The document was a receipt for the Rs. 400. I came to Poona about 10 or 12 days after the payment of the money. I had the Rs. 100 over from my father-in-law's Rs. 500 and I had Rs. 300 by me. That made up the Rs. 400.

Interview with Crawford.

Bargain with Hanmantráo for Rs. 2,500.

Return to Niphád.

First loan of Rs. 700 from Tullu.

Rs. 700 sent to Hanmantráo.

Second loan of Rs. 500 from Tullu.

Rs. 400 sent to Hanmantráo.

Rs. 400 paid to Tárachand.

"After paying the Rs. 400 to the Márwádi I came to Poona, saw Hanmantráo, and asked him if the Rs. 400 were received. I went straight from Niphád to Poona, and after seeing Hanmantráo went to Máhuli on the Krishna. That is all that took place between me and Hanmantráo on that occasion. I returned to Poona from Máhuli and saw Hanmantráo again. I went to Máhuli to wash myself in the Krishna, as it was the Kanyágat year, which occurs once in 12 years. Hanmantráo asked me when I saw him if I would like to audit the jamábandi accounts of the Poona District, as a Mámlatdár was to be appointed for the purpose. He said if I wished to take up the appointment he would arrange for me. I said I would like it. Hanmantráo took me to Mr. Crawford at his bungalow at Kirkee. He left me in the gári at the gate of the compound and he himself went to the bungalow. He returned shortly afterwards and said that he had arranged with the Sáheb, and that I would get the appointment, and that the Saheb could not see me as he was busy. I was appointed to this duty.

Visit to Poona.

"I left Poona for Niphád and returned again to take up my audit duty, which I did on the 1st and 2nd October. While in Poona on audit duty I used to see Hanmantráo.

He pressed me to pay the balance. He made several demands. He asked me to pay soon. Just about that time negotiations were going on about my appointment at Jamkhandi. The Jághirdár of Jamkhandi was carrying on negotiations for my appointment as Kárbhári at Jamkhandi. I asked Hanmantráo to wait till I heard the result of those negotiations. If I succeeded in getting the Kárbhárishíp it would be no use my paying the balance. The Chief of Jamkhandi was at that time in Poona, but the negotiations were begun when he was in his own territory. The negotiations were going on by letter. I have destroyed the letters. They were from the Private Kárbhári of the Chief. Hanmantráo told me if I succeeded he would undertake to return the whole of my money, and, if necessary, he would get Mr. Crawford to assure me about it. Hanmantráo took me to Mr. Crawford's bungalow. He took me inside and asked me to sit in a room there. He himself went into another room where the Sáheb was. I could not see the Sáheb. I knew he was there from what Hanmantráo told me. He said he was going into the room where the Sáheb was. Shortly afterwards the Sáheb came into the room where I was sitting. Hanmantráo also came into the room with the Sáheb. The Sáheb sat down and said, 'You must at once settle with Hanmantráo.' He spoke this in an angry tone. Hanmatráo said to me, 'If you 'go to Jamkhandi I will be surety that you get all your money back again.' This was said by Hanmantráo in the presence of Mr. Crawford, and he said 'Yes' to what Hanmantráo said. Hanmantráo and I then returned to the town. For some days after this I did not get money. Hanmantráo kept on pressing me. One day in the morning I went and saw Hanmantráo at his house. He said to me, 'You must pay 'the money to-day; if you do not you will come by some harm and I will be quite 'helpless in the matter.' Hanmantráo's gári was ready at the time. I got into it and went to Antáji Keshav Sáthe's. That is a banker's firm in Poona. I borrowed from that firm Rs. 1,000 which I paid to Hanmantráo. I promised to pay back the money within eight days. I arranged this with Tátya Sáthe. I knew him before. I had known him two or three years before that. The man in Court (who answers to the name of Narsopant Káshináth Sáthe *alias* Tátya) is the man with whom I made the arrangement. To enable me to repay the money I wrote to my father-in-law Náráyan Parshurám at Násik. The result of the letter was that Náráyan came to Poona with Rs. 1,000 in consequence of that letter of mine. He was accompanied by Mahádev Ganesh Kulkarni of Niphád. The Rs. 1,000 were sent to Sáthe's shop by the hands of Mahádev Ganesh. I have repaid my father-in-law the whole Rs. 1,500 borrowed from him. I remained in Poona on audit duty for about three months. I then went back to Niphád. In May 1887 I got my *sub. pro-tem.* first grade appointment. The order appointing me was in May or June. I drew first grade pay from the 1st January 1887."

Interview with Crawford.

Loan of Rs. 1,000 from Sáthe

Repaid by further loa from Tullu

The points to be established in order to make Mr. Crawford liable in the case are, first, that Khásnavis paid Rs. 700, Rs. 400, and Rs. 1,000 to Hanmantráo, and Rs. 400 to Táráchand the Márwádi by arrangement with Hanmantráo; secondly, that he paid those sums for the benefit of Mr. Crawford, in order to obtain from him an appointment to a first grade mámlat. The story rests primarily on the evidence of Khásnavis. He according to his own account was not a victim of oppression or extortion, but a free agent and a willing party to a corrupt bargain. His evidence is open to the same objections as that of other witnesses of the same class.

As to the first two sums of Rs. 700 and Rs. 400, the only confirmation of Khásnavis is the statement of his father-in-law N. P. Tullu, who also speaks as to the Rs. 1,000. He is a Vakil practising in the District Court at Násik, and he says that he did lend his son-in-law the three sums Rs. 700, Rs. 500, and Rs. 1,000 sworn to by the latter. He said:—

Corroborative evidence.

"I have lent him money. I have a memorandum made at the time. I first lent him money on the 23rd August 1886. The sum was Rs. 700. I made this note at the time in my diary. This is not connected with my profession. It is not kept according to the calendar because the book has been kept since 1884 and is for 1884, This particular account is for 1886. My son-in-law came to Násik and asked me to lend him the money. He told me why he wanted it. He said he wanted to send it to Hanmantráo in Poona. I next lent my son-in-law money on the 4th September 1886. I lent him Rs. 500 on this occasion. He again came to Násik. The railway journey from Niphád is only 40 minutes. About the 10th or 13th October I received a letter from my son-in-law. I destroyed it. After receiving it I went to Poona taking Rs. 1,000. Mádhavráo Pátil of Niphád was with me. He came to me on some business. He is a client of mine. I asked him to come with me. In Poona we put up at Káshináth Sáthe's house, where my son-in-law then was. Mádhavráo put up there too. I gave the money to my son-in-law. I did not myself see what my son-in-

As to first two payments only Tullu.

Ex. HV.

law did with it. I made an entry of the transaction in my note-book. The entry is 'October (paid in cash, do. do.) at P..., Rs. 1,000.' It is a slip that the day of the month is not given. The entry was made after my return to Násik. I was in Poona two days. I left the day after I came. I left Mahádev Pátil behind in Poona. My son-in-law has repaid the whole sum borrowed. The repayments are entered in my diary. The first payment was Rs, 400 on the 9th February 1887, the last Rs. 500 on the 10th November 1887. There were five instalments. I charged no interest."

In cross-examination he said :—

"I knew the money I gave my son-in-law was to be paid to Hanmantráo as he had recommended Khásnavis for a Deputy Collector's place. Khásnavis told me this."

Ex. HV. The book produced by this witness is not a regular account book, but a small diary and calendar for the year 1884, though containing accounts and memoranda relating to later years. The account in question is near the end of the book, with blank pages before it and blank pages after it. The entries are partly in ink, partly in pencil; the most important of them, that of the Rs. 1,000, has no date but "October." The whole might have been written at any time, and it carries the matter no further than the witness' own word.

His loans. And when closely examined this account does not support Khásnavis. His story as to the Rs. 700 is that on a Sunday after the date of his petition of the 14th August he came to Poona and saw Hanmantráo; that he went back to Niphád and, after getting a letter from Hanmantráo, went on a subsequent Sunday to Násik and borrowed the first sum of Rs. 700. In his examination-in-chief he said he came to Poona without leave; but in cross-examination he admitted he could not have done that. He said :—

"From the time I left Niphád on Saturday till my return on Monday I was absent from my mámlat, but I had verbally asked the Deputy Collector, Mr. Vádekar, and I considered that as permission. For such absence I did not think it necessary to make a written application because I was on duty both the days. I cannot say that the Mámlatdár of Niphád or Násik can come into Poona easily from Saturday to Monday without getting leave from Collector and without being altogether absent from duty either on Saturday or Monday. I said to the Deputy Collector, 'If I miss the train I may be absent from duty on Monday.' The train I referred to was the afternoon train. I knew permission was necessary, and I therefore asked the Deputy Collector. The Deputy Collector is at Násik. I went to him on Sunday after sending in my petition. I do not remember how long this was before going to Poona."

According to this account there must have been one Sunday for going to Násik to get leave, a second for the visit to Poona, the third is the earliest possible day for the borrowing; which, as the 14th August 1886 was a Saturday, would be Sunday the 29th August. But Tullu's account shows the Rs. 700 borrowed on the 23rd August, a Monday. As to the second borrowing of the Rs. 500 Khásnavis swears it took place on a Sunday, and if his story be a true one it could hardly be otherwise, but the account shows it on the 4th September, a Saturday.

oan from áthes. As to the sum of Rs. 1,000 there is some evidence of a more solid kind. We entertain no doubt that Khásnavis borrowed Rs. 1,000 from the Sáthes, bankers in Poona, on the 16th October, or that it was repaid on the 20th October by the hand of Mahádev Ganesh. The Sáthes are respectable bankers and the evidence of N. K. Sáthe and the books of the firm make these points clear. But from what source the funds came to repay the loan, whether from Tullu or not, is by no means so clear. Tullu says that he came down to Poona to bring the money and merely got Mahádev to accompany him and to carry the bag. It is not very easy to understand why a Vakil of the District Court should leave his practice for several days for such a purpose. It was not apparently from any distrust of Mahádev Ganesh, for he was the person who afterwards took the money to the Sáthes. The entry dated "October," said to have been made after his return to Násik, is suspicious. Mahádev Ganesh made statements in answer to us which show clearly that he really came to Poona for an entirely different purpose, namely, to push a claim of his own before the Mámlatdár Khásnavis; and this is confirmed by the admission that he did not go back when Tullu says he did, but remained in Poona. Again, though the Rs. 1,000 was certainly borrowed from the Sáthes on the 16th October and repaid on the 20th October, and though the journey from Násik is said to have been in consequence of a letter written after the borrowing, Mahádev Ganesh says the money was given him to take to the Sáthes five or six days after he came to Poona. And the whole story of these borrowings from Tullu is

seriously discredited by an examination of Khásnavis' savings bank accounts. From these it appears that, at the time when he is said to have borrowed all this money from his father-in-law, he had more than the full amount to his credit in the bank; and on the very day, the 4th September, on which Tullu's account shows him borrowing Rs. 500 at Násik, it appears that he paid Rs. 150 into the savings bank at Niphád. There is apparently no impossibility in a man's being in Násik and in Niphád within the business hours of the same day, but the two transactions are highly improbable. We are not prepared to accept the story of the borrowings from Tullu. Ex. 217. Ex. 218. Ex. 219.

With regard to the Rs. 400 said to have been paid to Táráchand, the Márwádi, the case rests again directly upon the statement of Khásnavis himself. But there is said to be substantial confirmation of it. There is no doubt that Mr. Crawford was indebted to the Márwádi firm of Nathurám Jorumal upon a bond for Rs. 6,000, dated the 10th July 1885, payable by monthly instalments of Rs. 400. Various payments were made, and among them one of Rs. 400 on the 16th September 1886. The allegation is that by the direction of Hanmantráo, Táráchand, a partner in the creditors' firm, went to Niphád, and that there Khásnavis paid him Rs. 400 in part satisfaction of the Rs. 2,500 he had agreed to pay to Mr. Crawford. To confirm Khásnavis as to this Sobháchand, a petty Márwádi trader of Niphád, was called, who said that a man named Táráchand, whom he had never seen before and has never seen since, came to Niphád and put up for some days at his house, and that he twice took him to the house of Khásnavis, once to show the way, the second time for no very clear reason. This is not evidence to which we attach value. When the case was first before us Táráchand, the man who is said to have gone to Niphád and got the money, was shown to be in his native country out of British India. The books of the firm have been produced; and they show the payment, but not the place of payment or the hand by whom it was received, the entries differ in nothing from those of payments made at Poona or Kirkee. A point was raised about the entry being in Táráchand's writing; but it turned out that all the entries about that period are so, and that he was the person who then kept the books. An entry was shown under date the 9th September of Rs. 21-6 to suspense account, apparently as drawn by Táráchand for Niphád. Amarchand, a partner, said he would understand this as showing that Táráchand drew the money for expenses in going to Niphád. But another entry appears on the 21st September which appears to neutralise the effect of the first; for the same witness said he would understand the latter entry as indicating that the money drawn on the 9th had been returned unspent on the 21st. At a late stage in the inquiry the Advocate General applied to us, under section 14 of the Act under which we sit, for leave to call Táráchand, who it was said had come to Poona. Afterwards the Advocate General stated that Táráchand had been communicated with, and that it was not proposed to call him. Under these circumstances we reject the story relating to him. Payment to Táráchand.

There are certain undoubted facts in this case that make it to our minds almost impossible to accept the view of the prosecution. Khásnavis is said to have paid Rs. 2,500 to secure his promotion from the second to the first grade of Mámlatdárs. The difference in pay between the two grades is Rs. 50 a month, the promotion carried with it no advantage that we know of beyond the increase of pay, and this man's promotion was in any case only a matter of time. Yet he is said to have paid the whole profits of the promotion for over four years for the sake of securing it. This is difficult to credit, and if he did pay his money as he says in October 1886, he got nothing in return for it till May 1887. Improbability of c for prosecution.

The only attempt at specific confirmation of Khásnavis' story that the money he says he borrowed in October 1886 was borrowed to pay to Hanmantráo is the statement of his father-in-law Tullu that Khásnavis told him so at the time. But even here he does not support the view of the prosecution, for he says what he was told was, that the money was to be paid to Hanmantráo "as he had recommended Khásnavis for a Deputy Collector's place." That the Rs. 1,000 was borrowed from the Sáthes and paid back in a few days we have, as we have said, no doubt. But at the time in question Khásnavis had in view an object far more important to him than any to which Mr. Crawford could help him, namely, the Kárbháriship of Jamkhandi. We think it far more likely that the money borrowed by Khásnavis was borrowed for some purpose connected with that matter than that the story of the prosecution is true. P. 210.

There is no evidence beyond Khásnavis' mere word to connect Mr. Crawford with the matter, for his orders are not such as to give support to suspicion. Mr. Crawford contradicts those parts of the story which affect him and denies all knowledge of any corruption. We are of opinion that Mr. Crawford is not guilty of this charge. Conclusion

Soman's Case.

harge. The charge is "that you, by your agent, Hanmantráo Rághavendra, on or about the "20th day of November 1886, corruptly received the sum of Rs. 1,000, and about the "end of the said month of November 1886 the further sum of Rs. 500, from Vishnu "Bápuji Soman, then Mámlatdár of Erandol in the district of Khándesh, as inducements "to favour the said Vishnu Bápuji Soman in your official capacity of Commissioner, "Central Division."

oman's rvice. Soman was appointed a Mámlatdár in July 1874. On the 1st April 1886 he was a first grade Mámlatdár at Erandol in the Khándesh District. Before he went to Erandol he had been for about three years at Amalner, and before that at Dhulia; since January

x. GZ. ransfer to álva. 1878 he had not served out of the Khándesh District. By an order dated the 4th of November, and gazetted the 11th of November 1886, Soman was tranferred to Válva in the Sátára District. When this order was made Soman had been 3½ years at Erandol. It appears from a marginal note by Mr. Crawford on Exhibit 12, that the Mámlatdár of Válva was transferred because he had been over 12 years in the Sátára District and a petition about him had been received, and that Soman was selected to succeed at Válva because he had been 3½ years at Erandol. Soman objected to this transfer because he was near the end of his service and the move to Válva would interfere with

isit to rawford. x. HA. his sons' education. He accordingly went and saw Mr. Loch, his Collector, and obtained from him a letter to Mr. Crawford and seven days' casual leave. He then came to Poona, and had an interview with Mr. Crawford apparently on the 18th of November. Mr. Loch's letter informed Mr. Crawford that Soman objected to the transfer, and was anxious, if moved, to go to some táluka near a town where he could see to the education of his sons; that Mr. Loch would be glad if Soman could be left as he knew his táluka well and survey operations were going on, and that Soman had not much longer to serve before he could take pension. Soman at his interview with Mr. Crawford pre-

ransfer spended. sented this letter, and Mr. Crawford endorsed on it the following reply to Mr. Loch, dated the 18th of November:—

"The Ráo Sáheb presented this to-day. I can meet your wishes and this to some extent at once in the following way, and in the course of a couple of months there are to be vacancies in which I can manage. I hope to allow the Ráo Sáheb with you to complete his service. The Chopda Mámlatdár has taken three months' leave, so this Ráo Sáheb tells me, and the Aval-kárkun is in charge. Put this man to act at Chopda, and before the other's leave expires I can make arrangements as you wish. Kindly return this, which I give in his hand."

x. HB. To this Mr. Loch replied on the 21st of November that he would arrange for Soman till January, by which time something would turn up. Accordingly Mr. Loch sent

nt to chora. x. FT. Soman to act at Nandurbár, where he remained until December the 17th. He then took privilege leave, and by an order dated the 17th December, and gazetted on the 23rd of December 1886 he was posted to Páchora in the Khándesh District, where he has since remained.

se for pro- ution. The case for the prosecution is that Mr. Crawford asked for, and received through Hanmantráo, from Soman, the sum of Rs. 1,500 in respect of the cancellation of the order dated the 4th of November 1886 transferring Soman to Válva.

man's ry. Soman's story is as follows:—

"In November 1886 I was Mámlatdár at Erandol, district Khándesh. There was a notification in the 'Government Gazette' transferring me to Válva in the Sátára District. This notification was the first intimation I had of an intended transfer. On this I saw Mr. Loch, the Collector. I went to his camp at Kásigám to see him. The Collector gave me a letter to Mr. Crawford and seven days' casual leave. I came to Poona. Besides the letter I brought Rs. 1,000 in notes. I had the notes by me. The notes were the savings of my pay. In Poona I put up with Rámchandra Náráyan Laváte in Sadáshiv Peth. He is a kárkun in the Poona Account Office. After coming to Poona I went and saw an acquaintance of mine, Rámbháu Ghore, a native medical practitioner. In consequence of my conversation with Rámbháu I went to Hanmantráo. I went alone. I saw him. I said to him, 'I am transferred to Válva. I wish to see the Sáheb about it.' Hanmantráo said, 'I am going to the Sáheb's bungalow. You and I will go together.' After Hanmantráo had his light meal, we got into a gári and went together to Mr. Crawford's bungalow. On our way there I heard the gun-fire, and it was after that we reached the bungalow. When we got there Hanmantráo and I got out of the gári and went towards the bungalow. A sipáhi told us the Sáheb was

dining. Hanmantráo then took me into a room and asked me to sit there. He then himself went inside. I was left alone in the room. I may have been alone there 15 or 20 minutes. At the end of this time Hanmantráo came and told me the Sáheb was coming. The Sáheb came. At my interview with him Hanmantráo was present. I presented Mr. Loch's letter to Mr. Crawford. I requested Mr. Crawford to cancel my transfer, as it would occasion very great inconvenience to me. I said to him only 20 months of my service remained, and my two sons have been attending at the school at Dhulia. I had kept them there for their education, and the place to which I was transferred was unknown to me and I had no conveniences there. I shall be put to difficulties, and therefore my transfer may be cancelled. Mr. Crawford said, in December next there will be some changes consequent on retirements, and he would then consider my application. I further requested him to do something for me then. I said I must proceed to Válva, which would entail expense on me for going and coming. Mr. Crawford told me to obtain leave if I thought it necessary to do so. I told him I was not entitled to privilege leave, and if I asked for any other kind of leave I should have to ask for an extension of service, and if I did not get that to complete my period I should be a loser. The loss I should sustain would be half my pension. I further stated to Mr. Crawford that I should be entitled to privilege leave on the 17th December, and I asked him to keep me where I was till then. I also suggested that at that time the Mámlatdár of Chopda was on three months' leave. Then Mr. Crawford left me, and retured with a letter to Mr. Loch, which he gave me. He said to me that Lord Dufferin had arrived or was coming there, and that he (Lord Dufferin) was to leave for Hyderabad the next day.. And Mr. Crawford was to accompany him. He was in very great need of money for his expenses and therefore asked me to give him Rs. 1,500. I said to Mr. Crawford, 'Why should I pay money? I 'have received no promotion. I am not in fault, but, on the other hand, the Collector 'has recommended me.' Mr. Crawford said he wanted money for his expenses. He did not say he wanted a loan, but I understood it to be a loan he asked for. Then I said to him I had not brought with me more than Rs. 1,000. This I would give, and I would send Rs. 500 after I had left that place. Then he said to me to make over the money to Hanmantráo. Hanmantráo and I then left and drove back to Poona together. Next day the Viceroy was in Poona. I saw him from amongst the sightseers. Either on that day or the next day I gave the Rs. 1,000 in notes to Hanmantráo. I said to Hanmantráo that the Sáheb had spoken to him the previous day and I would now hand over the money. The Rs. 500 I would send four or eight days afterwards. After that I left Poona and went to Páchora to see Mr. Loch, to take the Commissioner's letter to him. I cannot fix the date of leaving Poona, but it was the third or fourth day after seeing Mr. Crawford, counting the day I saw him as the first. The Collector put me into Nandurbár after that. From 17th December I took privilege leave. I was gazetted to Páchora from that time. I have been at Páchora ever since. I sent the Rs. 500 to Hanmantráo. I sent a note for Rs. 500, in half-notes. I received a reply. I tore up that reply. I sent the Rs. 500 either from Páchora, or Nandurbár, or Dhulia—I have no distinct recollection which. I cannot give the date of sending the note. I left Nandurbár on the 17th or 18th December. My service-book shows I gave over charge on the 16th. I went to Nandurbár on the 1st December. On leaving Poona I had gone to Páchora, and from there I went to Erandol. I went to Dhulia when I left Nandurbár on the 17th. I reached there on the 18th. I cannot give the date of leaving Páchora. I left the same day I saw the Sáheb, which was also the day I reached Páchora, where I only stayed a few hours. I passed through Dhulia, going to Nandurbár. I think I stayed there about two days. I had notes by me, and I had to get some notes from other persons. I had money at Erandol, a hundred or two, more than the five hundred, and this money I took to Dhulia. I got some notes in the bázár at Dhulia."

Corroborative evidence.

The only evidence in support of this story is that of Rámbháu Ghore, the medical practitioner, who remembers only that about two years ago Soman came to see him in Poona, to consult him medically. Rámbháu says he was doing pujá at the time, and so had no opportunity of examining Soman, but that Soman spoke about other matters besides his health and Rámbháu gave Soman the address of Hanmantráo.

Reasons for refuting Soman's story.

Soman's evidence does not support the charge that the 1,500 rupees were paid as the price of favours to be bestowed. His story is that Mr. Crawford took the money as a loan. Soman is an experienced official. He is a relative and intimate friend of Pendse's. He had a letter from Mr. Loch, his Collector, strongly supporting his application for a cancellation of the transfer to Válva. Naturally, therefore, if he did not go and consult Pendse in the first instance, he would have gone at once to

Mr. Crawford and presented the letter. We know from other evidence taken in these proceedings that Soman would have had no difficulty in obtaining an interview with Mr. Crawford. The account of the interview with Mr. Crawford is also improbable. If Soman had not contemplated paying money at all, and there had been no previous understanding with Hanmantráo that money was to be paid, then it is unlikely that Mr. Crawford would have asked for Rs. 1,500 as he is said to have done. If under these circumstances Mr. Crawford had asked for a loan, it is not likely that Soman would have replied in the manner he describes. The natural course would have been for him to have made polite excuses or to have quietly agreed to lend some money. By making a rude answer he was running the risk of undoing all he had done, and of being transferred to Válva after all. If on the other hand he brought the Rs. 1,000 to Poona intending to pay the money as a bribe, if he had come to an understanding with Hanmantráo that he was to pay money, and so had obtained an interview between 9 and 10 o'clock at night, his answer to Mr. Crawford is equally unnatural.

Conclusion. There is nothing suspicious in Mr. Crawford's action in the matter. The order transferring Soman to Válva was a proper order, seeing that Soman had been three and a half years at Erandol. Mr. Loch asked Mr. Crawford not to transfer Soman, giving good reasons for the request, and Mr. Crawford deferred the transfer, and said he would endeavour to manage so as to leave Soman with Mr. Loch to complete his service. Mr. Crawford denies the truth of Soman's story, and we are of opinion that Soman's evidence cannot be accepted, and that Mr. Crawford is not guilty of this charge.

Dravid's Case.

harge. The charge is, "that you, by your agent, Hanmantráo Rághavendra, in or about "the month of January 1887 corruptly received from Venkatesh Krishna Dravid, "then clerk in the Accounts Office of the Collector of Sátára, the sum of Rs. 1,000 as "an inducement to favour the said Venkatesh Krishna Dravid in your official capacity "of Commissioner, Central Division."

ravid's rvices. Dravid is a B.A. of the University of Bombay. In 1880 he was appointed a second kárkun, in October 1882 he passed the Higher Standard, and in March 1883 he was made Head Kárkun. From the 10th of June to the 23rd of July 1883 he acted as Mámlatdár. In 1884 one Bápu Udáji complained that Dravid had abused his authority as a magistrate inasmuch as he had used threats and undue influence in order to induce Bápu Udáji to give certain evidence as a witness in a criminal trial, and had also improperly committed Bápu to custody. On the 26th of June 1884 the District Magistrate, Mr. King, recorded an order on this complaint. He considered that the case showed that Dravid's "fitness for judicial powers was more than questionable," that he seemed to "want that sense of proportion which is an essential qualification for judicial office," and that he should be employed in a non-judicial appointment.

omplaint gainst him. x. HD.

x. HE. On the 1st of July 1884 Mr. King forwarded the papers of this case to the Commissioner and asked for sanction to the removal of Dravid from the office of kárkun to an

x. HF. appointment of equal pay in the Collector's Account Office. To this the Commissioner on the 7th of July 1884 replied as follows:—

"I concur in the opinion you have formed of the case, but considering how young an officer Mr. Venkatesh Krishna Dravid is and how short has been his experience, I consider that his punishment must not be made so severe as to entirely mar his prospects in life. He should be transferred as you propose, and if after a period of two years' probation and good conduct, the District Magistrate is sufficiently satisfied with his conduct, he may again be tried in the responsible position of Head Kárkun, but he will not be promoted to a mámlat unless the District Magistrate can report favourably on his magisterial work."

e is re- ced. After this order Dravid was appointed to the account branch of the Collector's Office. On the 5th of January 1885 he took four months' leave and tried unsuccessfully to pass the Subordinate Judge's examination. About the same time he presented a petition to Government complaining of the orders passed in his case by the District Magistrate and the Commissioner. This petition was reported on by the District Magistrate on the 24th of February 1885. On the 20th of March 1885 the Government issued a Resolution on Dravid's petition, modifying the order of the Commissioner. The material portion of this Resolution is as follows:—

etitions. x. HG.

x. HH. rder on tition.

"The Governor in Council sees no reason to find any particular fault with the memorialist's proceedings, unless it be the case that the statement of Bápu was taken

behind the backs of the persons who were being tried. It would not be a mere irregularity of procedure, but an act of great injustice, to obtain in the absence of the accused persons a retractation of evidence which had been given in their favour, and thereupon to convict them, without giving them any opportunity of re-examining their own witness, or of knowing the reasons which had induced him to change his statement. This is the act which is attributed to the memorialist, and the evidence of the five witnesses who deposed to it, satisfied the Full Power Magistrate, the District Magistrate, and the Commissioner, C.D., that this act had been committed. The memorialist denies it; but the Governor in Council does not feel justified, merely on the strength of this denial, in disbelieving the evidence on the point, or in saying that the authorities who have considered the question have arrived at a wrong decision. And being thus constrained to come to the conclusion that an act of great injustice was done by the memorialist in his magisterial capacity, the Governor in Council considers that the order of the Commissioner, C.D., requiring that the memorialist should not exercise magisterial functions until after a period of probation, is a proper order. On consideration, however, of all the circumstances of the case, his Excellency in Council is willing that the period of probation should be reduced to one year."

Ex. HI. He petitions again.

On the 3rd of June 1885 Dravid again submitted a petition to Government praying that it might be declared that he was eligible to a mámlat on the expiration of the period of probation, and that it was not necessary for him to serve again as kárkun before he could be appointed a Mámlatdár. This petition was submitted by the Commissioner with the following remark:—"The Commissioner sees no reason "for complying with the petitioner's request. Before he becomes a Mámlatdár he "will have to serve as First Kárkun, when his magisterial work will be duly "watched." On the 6th of July 1885 the Government replied as follows:—"Mr. "Venkatesh Krishna Dravid, B.A., clerk in Sátára Collector's Account Office, is "informed in reply to his petition, dated the 3rd June 1885, that his promotion to a "mámlat is, in common with that of all other eligible officers, entirely at the dis-"cretion of the Commissioner, and that, therefore, Government will not interfere on "his behalf."

Ex. HJ. Order thereon.

Dravid goes to Sátára. Is appointed an acting Mámlatdár. Ex. CE. Ex. FJ. Ex. HR. Ex. HS. Ex. HK. Ex. FQ.

On the 15th of June 1886 Dravid took leave for a year, and practised as a pleader at Sátára. By an order of the 10th of February 1887, gazetted the 17th of February 1887, he was appointed to act as fourth grade Mámlatdár at Shevgaon, but on his way there he was directed by an order of the 14th of March, gazetted the 24th of March 1887, to act at Párner. On the 24th of March 1887 the District Magistrate of Ahmednagar wrote to the Commissioner asking that Government might be moved to invest Dravid with the powers of a Magistrate of the second class and certain special powers under the Code of Criminal Procedure. On inquiry being made by Pendse it was ascertained that Dravid had exercised third class powers for about 18 months. The Commissioner then submitted the application to Government, and the powers asked for were conferred by an order dated the 25th of April 1887. By an order dated the 23rd of May, gazetted the 2nd of June 1887, Dravid was appointed *sub. pro-tem.* fourth grade. He has been ever since at Párner.

Case for prosecution.

The case for the prosecution is that Rs. 1,000 were paid to Mr. Crawford through Hanmantráo in order to induce Mr. Crawford to appoint Dravid to a mámlat. It is contended that Mr. Crawford's connexion with the alleged bribe is proved by the following facts, namely, (*a*) the appointment of Dravid at a time when he was practically out of the line of promotion; (*b*) the cancellation without sufficient reason by Mr. Crawford of his remarks in the list Exhibit AE; and (*c*) Hanmantráo's showing Dravid official papers in Mr. Crawford's house.

Dravid's story is as follows:—

Dravid's story.

"In June 1884 I got into some trouble as Head Kárkun of Mán. I was then given an appointment in the Account Branch of the Collector's office on the same pay, viz., Rs. 40. I sent a petition to Government appealing against the District Magistrate's decision. I sent in a second petition on the 3rd June 1885. After taking up appointment in Account Branch on 3rd July 1884, I took leave first on 5th January 1885. This was without pay and was for four months. During that time I went up for the Subordinate Judge's examination, but failed. On the 4th May I again joined my appointment on same pay, and continued in it till 15th June 1886. In the interim I took 15 days' privilege leave. On the 15th June 1886 I took leave without pay for one year, and began to practise as a pleader at Sátára. After that I came to Poona at the end of December 1886, or the early part of January 1887. I stayed in my own

house at Poona with my mother, who lives in it. I know Hanmantráo Rághavendra. I knew him at college in 1876 and 1877. In consequence of what I had heard I went to see Hanmantráo, and saw him at his house. He was alone with me. I asked him what he would be able to do for me, as I had been twice superseded, and had therefore taken a year's leave. He asked me first how I was doing in practice. He said if I did not mind sacrificing a great deal I might secure my rights. I did not understand him, so asked him to explain what he meant. He said he would go to the Commissioner's bungalow and ascertain my place on the list. I told him I was first on the list of graduates. He took me to Kirkee. Before going there he said I had certain antecedents in my career which would affect my future prospects. I then explained the last orders of Government declaring me eligible, in common with all other eligible officers, for a mámlat. He then said he remembered there were some remarks against my name in the list of eligible candidates kept in the Commissioner's office. I told him there ought to be none, as my whole case had been settled by Government. I asked him to show them to me if possible, and in consequence of this he took me to Kirkee. He took me on the same day. We went straight to the Commissioner's bungalow at about 4 p.m. We did not go to see the Commissioner, as we knew he was in Bombay. Hanmantráo took me into the Commissioner's office room. He showed me a list which was lying on the Commissioner's table. The list shown me (Exhibit AE) is the one Hanmantráo showed me. The pencil remark in one of the columns, which now appears to be scored out, but was not so then, is 'superseded permanently.' I asked Hanmantráo as to the origin of this remark. He replied that it was the antecedents of my service. I said the remark ought not to be there, as the question had been settled by Government. Then we returned to Hanmantráo's house. He asked me what I would do. I said I would think over it. I also asked him what he would say. He said if I were prepared to spend about Rs. 2,000 I might get into service with all my claims. I told him I would consider his proposals and see him in a day or two. Then I left him. I saw him again the next day or the day after that. I then informed him I was a poor man and not willing to pay so much. I said I was doing well in business and did not like to spend so much for a place. The amount was discussed between us, and I agreed to pay, and he to take, Rs. 1,500. This was to be paid in two instalments, one of Rs. 1,000, to be paid before I was appointed, and Rs. 500 after confirmation. No definite time for payment of the Rs. 1,000 was fixed. I returned to Sátára to procure the money. I paid Rs. 700 savings of my own, and I procured the loan of Rs. 300 from my friend Moro Raghunáth Bivalkar, then on special sanad settlement duty at Sátára. I returned to Poona in January 1887, bringing with me Rs. 1,000. That amount I paid over to Hanmantráo at his house on the day of my arrival in Poona. I only stayed in Poona one day on this occasion. Shortly after I was appointed to act as Mámlatdár of Shevgaon. The "Gazette" announcing this came three weeks or a month after I had paid the money. I did not join at Shevgaon. On my way there I received orders to go to Párner. I have been at Párner ever since I was made *sub. pro-tem.* on the 23rd of May 1887 by the "Gazette" of 2nd June. I have repaid the Rs. 300 to Moro Raghunáth. I have not paid the Rs. 500 to Hanmantráo, because I was not confirmed, and have been since superseded after becoming *sub. pro-tem.* I have paid money to Hanmantráo on behalf of Moro Raghunáth Bivalkar. This was at the end of September 1887. The amount paid was Rs. 500."

Corroborative evidence.

The only evidence in support of this story is the statement of M. R. Bivalkar to the effect that in January or February 1887 he lent Dravid Rs. 300. This evidence is of no value.

Dravid's statement improbable. Ex. AE.

The statement that Hanmantráo took Dravid to Mr. Crawford's house in Mr. Crawford's absence, and there showed Dravid the list of persons eligible for mámlats, appears to us to be improbable. From Mr. Crawford's evidence, confirmed by Zuzarte, it appears that this list was ordinarily kept in the office, and Dravid might well have ascertained what the entry about him in the list was. If the payment of the Rs. 1,000 to Hanmantráo were established, still, in our opinion, Mr. Crawford's connexion with the alleged payment is not proved by the facts brought forward by the prosecution. In the first place, Dravid was not out of the line of promotion, but was entered on the list of officers eligible for a mámlat. It appears from the Government Resolution of the 20th of March 1885 that the fault for which Dravid was degraded was that he had taken the statement of a witness in the absence of the accused, and had acted on that statement. Dravid was, as Mr. Robertson says, a young officer of little experience, and, considering how often inexperienced Magistrates make the mistake of acting on evidence which has not been recorded in the presence of the accused, Mr. Crawford

Crawford's connexion not proved.

Ex. HH.

might well consider that Dravid was sufficiently punished by being deprived of promotion from July 1884 to February 1887. The order of the 6th of July 1885 clearly lays down that Dravid's promotion was left to the discretion of the Commissioner, and the promotion appears to have been made when Dravid was the senior man on the list of eligible graduates. Ex. HJ.

In the second place, it is not shown that Mr. Crawford had no sufficient reason for cancelling in the list, Exhibit AE, the words "not to be promoted" and "superseded permanently." It appears from Zuzarte's evidence that he prepared the list soon after Mr. Crawford took over charge. Mr. Crawford says that when he saw the list first the remarks in column 8 ended with the words "committed in the trial of a criminal case"; that he then wrote "not to be promoted" and "superseded permanently"; that afterwards the sentence commencing with the words "The Commissioner" and ending with the words "one year" was added, and that on seeing this he cancelled the remarks "not to be promoted" and "superseded permanently," and underlined the latter part of the remarks in column 8. There is no reason for disbelieving this statement. With the exception of Dravid's evidence there is no evidence to show that the words cancelled were not cancelled in January 1887, and from the evidence of the clerk Zuzarte it appears that he copied the first part of the remark in column 8 as far as the words "criminal case" from Mr. Robertson's list AD, and added the remainder under subsequent instructions. Having regard to the orders passed in Dravid's case, we cannot say that he should have been superseded permanently, or that the words cancelled were improperly cancelled.

Thirdly, with regard to Hanmantráo's showing official papers to Dravid in Mr. Crawford's bungalow, the questionable evidence of Dravid is the only proof of this, and we do not accept his evidence as sufficient to prove the fact alleged. Even if his evidence were believed, the fact that Hanmantráo and Dravid entered Mr. Crawford's house while he was away and looked at his papers would not in any way connect Mr. Crawford with the receipt of the money given to Hanmantráo.

We are of opinion that Mr. Crawford is not guilty of this charge.

Patwardhan's Case.

The charge is "that you, by your agent Hanmantráo Rághavendra, in or about the "month of January 1887, corruptly received the sum of Rs. 1,000 from Vishnu Anant "Patwardhan, then acting Head Clerk in the office of the Commissioner, Central Divi- "sion; and, secondly, that you by the same agent corruptly received, in or about the "month of September 1887, the further sum of Rs. 500 from the said Vishnu Anant "Patwardhan as an inducement to favour the said Vishnu Anant Patwardhan, in your "official capacity of Commissioner, Central Division." Charge.

Patwardhan is a B.A. of the Bombay University, belongs to a well-known Poona family, and has an uncle, Keshav Vishvanáth Patwardhan, a Vakil at Nagar. He served in different districts from 1881 to 1886 as kárkun, Head Kárkun, and Mahálkari, and in October 1884 was sent by Mr. Robertson from Mával, where he was then Head Kárkun, to act as Mámlatdár of Purandhar for a short period. He passed the Higher Standard Examination in October 1883, and early in the year 1886, being then Head Kárkun on a salary of Rs. 45, was brought in to act as Police Accountant in the Poona Collector's office, which gave him an increase of Rs. 5 per mensem. On the 14th of June he was appointed to act as Police Head Clerk in the Commissioner's office, but really discharged the duties of Revenue Head Clerk till December, when he was permanently appointed to that post on the retirement of the incumbent, Mr. Nazareth, being recommended by Pendse, the head of the office. In September 1887 there was a substantive appointment to a mámlat to be filled up, and Pendse again recommended Patwardhan somewhat out of his turn for the vacancy, and he was appointed to it on the 12th, but the notification in the "Gazette" directed him to continue till further orders to do duty in the Commissioner's office. On the 26th of April 1888 he gave a petition to Pendse asking to be allowed to join his mámlat on the grounds that by continuing to serve in the Commissioner's office his confirmation in the Mámlatdár's appointment was postponed and that he had also to suffer some loss of pay. As Head Clerk he drew, he says, at first substantive pay of Rs. 125 and Rs. 40 travelling allowance. As Mámlatdár he would have drawn substantive pay Rs. 150 and Rs. 25 travelling allowance. Pendse forwarded the application to the Commissioner the same day with the following endorsement:—"Submitted to the Commissioner for favourable "consideration. Mr. Patwardhan has done excellent work as Head Clerk, and I "should be glad to see his application granted. It is doubtless hard on him to have Patwardhan's service. Ex. HP. Appointm as Head Clerk. Ex. EN (Ex. HQ.

" to stay in the office under loss of pay and prospects." And on the 30th of April Mr. Crawford passed this order on it :—" Mr. Patwardhan, as I understood it at the " time, was put in on the understanding that he should stay on in our office till it " would be convenient to spare him from the office. His position in the Mámlatdár " grade will not be affected in any case. At this time especially his services cannot be " spared, but before long work will be slacker, and I shall take an early opportunity " of sending him out." His subsequent career is thus described by himself in his examination-in-chief :—

" I have continued there (*i.e.*, in Commissioner's office) up to the 16th July 1888. I was then sent to Khándesh to do duty under the Collector on my substantive pay as Head Clerk in the Commissioner's office. I worked as Deputy Accountant. In the beginning of August I was ordered to do duty at Sátára. I went to pay my respects to Mr. Moore, the Officiating Commissioner, on my way to Sátára, and he sent me with a note to Mr. Ommanney. I was employed under Mr. Ommanney, and am so still. I am in charge of the records brought to Mr. Ommanney's office from that of the Commissioner, C.D., for the purpose of this inquiry. I am now in charge of the records jointly with Mr. Vád."

Case for the prosecution. Ex. HP.

The case for the prosecution is that the appointment to the permanent Head Clerkship in the end of December was corruptly made in consideration of a bribe of Rs. 1,000 paid to Mr. Crawford through Hanmantráo, and that the appointment to a probationary Mámlatdárship in September 1887 was also corruptly made in return for Rs. 500 paid in the same way. The circumstances are stated by the witness as follows :—

Story of Patwardhan.

" In December 1886 I was still acting in this appointment. Mr. Nazareth, the permanent Revenue Head Clerk, then retired. I wished to succeed him, and Mr. Pendse told me he had recommended me. About this time I saw Hanmantráo, and had a conversation with him. He told me he had had a conversation with the Commissioner about the vacancy in the office, and that Mr. Pendse had recommended me. He added that the Commissioner wanted Rs. 1,000 from me, and that if I refused I would lose the post. I said to him, ' Whence am I to get this amount ' ? He said there was no help, and that if I did not pay my future prospects would be marred. I ultimately agreed to pay if there was no help. I cannot fix the date of this conversation ; it was in December. I subsequently paid the 1,000 rupees to Hanmantráo some time in January. It was after my appointment. I took charge of the post on the 13th January 1887. The pay of the post was Rs. 125+40 travelling allowance. I cannot be sure whether I paid the money before or after taking charge. I had Rs. 500 with me, the savings of my pay, and I took Rs. 500 from my father, Anant Vishvanáth Patwardhan. No one was present when I paid the money to Hanmantráo. In September 1887 there was a vacancy of a mámlat. I asked Mr. Pendse to recommend me as it was my turn. He said he would. I saw Hanmantráo on the subject. I told Hanmantráo I had been recommended, and I asked him to see that nothing came in my way. Hanmantráo said the Commissioner had some men in view, and without payment I could not expect to succeed. I may have been recommended or it may be my turn, but still I must pay. I said it was an oppression. He said it was no use complaining. He asked me for Rs. 1,000. I refused to pay. He said unless I paid at least Rs. 500 I would not get anything. I agreed to pay. I paid the Rs. 500 from my savings. Subsequently I was gazetted to this mámlat. I was gazetted fourth grade Mámlatdár of Jámkhed, but ordered to continue to do duty in the Commissioner's office."

Corroborative evidence.

The only witness brought forward to support this statement is Patwardhan's father, whose evidence has relation only to the first alleged payment, and amounts to nothing more than that his son induced him to connive at his withdrawing Rs. 500 from the family treasure.

Crawford's statement.

Mr. Crawford's account of his introduction to Patwardhan and the appointments conferred upon him and his answer to the charge are contained in the following extracts from his evidence :—

" When I took charge of the Central Division office I was very dissatisfied with the way work was sent up. I complained about it to Pendse. He said it was all the fault of the Head Clerk Pátankar, who was inefficient. I told him to look and see some good man. I said I would not keep him in the office. He afterwards sent V. A. Patwardhan with a note recommending him to me. I saw him. I made Pátankar take leave, and I took Patwardhan in acting on trial. Pátankar was trying to get a place in the Baroda State. He wrote about it on one occasion certainly. Pátankar was

afterwards recommended by Pendse for the Deputy Accountantship at Dhulia. He got less pay there than in my office. This man is the same Pátankar in whose name is one of the charges which have been abandoned. Patwardhan gave Mr. Pendse satisfaction. The work came up better. He was subsequently confirmed as Revenue Head Clerk in place of Nazareth on Pendse's recommendation. Patwardhan never came to my house with Hanmantráo, nor was Hanmantráo present at any interviews of Patwardhan's. Pendse recommended Patwardhan for a mámlat. Pendse did not, at that time, recall Sindekar to my recollection. I did not at that time remember Sindekar's claims at all. I appointed Patwardhan to a mámlat on the condition that he should stay in the office till he could be spared. That involved a loss of pay. He continued in my office down to the time of my suspension. He petitioned in the interval to go to his mámlat, and I refused him. I have never received any money directly or indirectly from Patwardhan. I have never authorised anyone to make a demand for money from him."

Patwardhan represents himself rather as a victim of extortion than as a willing party to corruption, but the circumstances under which his statement was made detract from its value.

Crawford how far affected.

His story, assuming it to be true, does not affect Mr. Crawford in any way. He, no doubt, in the earlier part of his evidence says that Hanmantráo introduced him to Mr. Crawford in April 1886, and that he subsequently got the Police Clerkship in the Commissioner's office, but it is not alleged that any money was paid to Hanmantráo for such appointment, and the introduction to Mr. Crawford by Hanmantráo, even if it occurred, goes no way towards proving that Hanmantráo was Mr. Crawford's agent in a corrupt transaction nine months afterwards. The allegation is also contradicted by Mr. Crawford. He ascribes Patwardhan's introduction to him to Pendse.

Propriety of Patwardhan's appointments

When Patwardhan was appointed substantively to the Revenue Head Clerkship in December 1886 he had been already discharging the duties of that post for six months to the satisfaction of the Assistant Commissioner and Commissioner. Pendse admits that he himself recommended him for a mámlat some time before his appointment, and that clerks who serve in the Commissioner's office expect to be promoted a little out of their turn.

Finding.

We are of opinion that Mr. Crawford is not guilty of this charge.

Paránjpe's Case.

Charge.

The charge is "that you, by your agent, Hanmantráo Rághavendra, in the month of "January or February 1887, corruptly received the sum of Rs. 500, and in the month "of March or April 1887 further sums of Rs. 1,000 and Rs. 500 from Dáji Ballál "Paránjpe, then Aval-kárkun of Niphád Táluka in the Násik District, as inducements "to favour the said Dáji Ballál Paránjpe in your official capacity of Commissioner, "Central Division."

Paránjpe's services.

Paránjpe is an old Government servant. He entered the service in 1868 or 1869. He was appointed a *sub. pro-tem.* Mámlatdár in 1880, and probationer on the 1st of March 1881. At the end of his period of probation he had not given satisfaction; his appointment was accordingly not confirmed, and he reverted to a lower grade of service. A long correspondence passed at the time in which the then Commissioner, the Collector, and the Assistant Collector took part. The complaints against Paránjpe were, in substance, remissness in the collection of revenue, want of activity in the discharge of his duties generally, and defects in his magisterial work. There was some difference of view amongst these officers, but the Collector took a serious view of the case, and the Commissioner concurred in it and passed the following order on the 23rd of August 1882:—

Complaints.

Ex. EA.

"I regret to record after a very careful perusal of the Collector of Ahmednagar's letter, No. 6376, dated 10th instant, and its accompaniments, and after a very careful consideration of the several other complaints made by the Collector against the probationary Mámlatdár of Sangamner, Ráo Sáheb Dáji Ballál Paránjpe, that I am fully of opinion that Ráo Sáheb Dáji Ballál Paránjpe is quite unfitted to hold the position of Mámlatdár. I therefore decline to confirm him as Mámlatdár. His conduct, moreover, during his time of probation has been such that I feel he cannot have any further trial as probationer, and that he must now revert again to a subordinate situation. It is somewhat doubtful whether Mr. Dáji Ballál should be again allowed to

Degradation

hold magisterial powers; if he is to be deprived of magisterial powers he cannot again hold the post of Head Kárkun. I am, however, disposed to give him yet a further chance and direct that he is to be appointed as soon as possible to a Head Kárkunship, the District Magistrate of the district being directed to specially watch his magisterial work, and for one year to report every three months as to how Mr. Dáji Ballál conducts his magisterial work."

Ex. EC. Ex. ED. Subsequent petition. Ex. EE. In January 1883 Paránjpe petitioned asking that his case might be considered, and that he might be appointed to a mámlat. In March the Commissioner replied adhering to his former view. In January 1884 Paránjpe again petitioned asking for the same thing as before, and the Collector supported his petition. The Commissioner's reply was dated the 23rd of January 1884:—

Ex. EF. "The Commissioner is glad to find from the reports that Mr. Dáji Ballál's conduct as a magistrate is now favourably reported. Had it been otherwise the Commissioner would have taken into consideration the question as to whether he should continue as a First Kárkun. The Commissioner will now dispense with all further reports, leaving Mr. Dáji Ballál as Head Kárkun, but the Commissioner cannot hold out hopes of his being again selected to do duty as a Mámlatdár."

Ex. EG. Ex. 104. Ex. 105. Ex. 106. Ex. 107. Ex. 108. About the same time Paránjpe applied for permission to go up for the Higher Standard Examination. His request was refused in a Government Resolution of the 11th of March 1884 on the ground that the time within which non-graduates could do so had expired. In August 1884 he applied for a copy of the Collector's report upon which the Commissioner had acted in degrading him. This was refused. In December 1884 he again petitioned to have his case reconsidered, and was refused. About the middle of 1886 fault was found with him for some delay about taking a dying deposition, and he was transferred from his Head Kárkunship to another on lower pay.

Ex. EH. In January 1887 Paránjpe petitioned Mr. Crawford asking that his case might be reconsidered. The petition came through the Collector, who appended a note of the 12th of January:—

Petition to Crawford. "The papers regarding applicant's degradation to a Head Kárkunship will be found in the Commissioner's confidential file. The only point noticeable is that it would have been more consistent with standing orders had applicant been allowed an opportunity of refuting the charge made against him. Since he has been in the district Dáji Ballál's behaviour has given satisfaction, save in one instance when, owing to the carelessness he showed in regard to a dying man's deposition, the Collector reduced him from Rs. 50 to Rs. 45 kárkunship. This occurred in June last. He has passed the Special Lower Standard Examination."

A note of the 27th of January signed by Pendse was sent as follows:—

"The Commissioner, C.D., presents compliments, and referring to No. 245, dated 12th instant, from the Collector of Násik, forwarding a petition from Dáji Ballál, Head Kárkun of táluka Niphád, requests Mr. Woodward will be so good as to forward, for the perusal of the Commissioner, the papers connected with Dáji Ballál's reduction from Rs. 60 to Rs. 45 Head Kárkunship which the Collector states occurred in June last."

Proc., p. 153. Mr. Crawford seems to have been on tour most of January and is said to have returned about the end of the month. We cannot therefore tell whether this note was by his order or a piece of office routine.

The Collector replied on the 7th of February:—

"In forwarding the papers called for by the Commissioner, C.D., in his No. R.—312 of 27th ultimo, in the case of Mr. Dáji Ballál, the Collector begs to inform him that Mr. Dáji Ballál was not reduced from Rs. 60 but from Rs. 50 to Rs. 45."

Mr. Crawford wrote on the 19th of February to Mr. Woodward, the Collector:—

"All the papers are returned to the Collector. I observe that Mr. Woodward has from the first been apparently of opinion that the petitioner has been hardly dealt with and has been willing to give him another trial in a mámlat. If I am right in this supposition and if Mr. Woodward is, after his long and later experience of the petitioner, ready to take him again on probation, I will note him for the next acting vacancy."

The Collector replied on the 24th of February :—

"Mr. D. Ballál was for a somewhat serious fault reduced in June last only. Mr. Woodward has never seen Mr. Ballál's work as Mámlatdár and is hardly in a position to judge of his fitness for the office. At any rate the Collector considers that Mr. Ballál should first qualify by passing the second Departmental Examination under Rule 5. Thereafter, if the Commissioner thinks fit, Mr. Woodward would raise no objection to Mr. D. Ballál being tried again as Mámlatdár."

By an order of Mr. Crawford of the 28th March, gazetted the 7th April 1887, Paránjpe was appointed to act as Mámlatdár of Chándor in the Násik District. He was at the time acting as Mámlatdár at Niphád under an order of the Collector. On the 13th April Mr. Frost, who had apparently become acting Collector since the date of the previous correspondence, wrote to Mr. Crawford saying that he thought Paránjpe unfit for a place like Chándor, hoping he would not be there long, and suggesting his transfer to Peint. In accordance with the suggestion he was by an order of the 24th April sent to Peint, and Sindekar who was at Peint to Chándor. By an order of the 28th May he was transferred to Málsiras in the district of Sholápur. By an order of the 8th September, gazetted the 15th September 1887, he was ordered to revert to his office of Head Kárkun on being relieved by the permanent Mámlatdár. But by another order of the 12th September, in the same "Gazette," he was ordered to act at Jámkhed, where he still is. That appointment was declared to be *sub. pro-tem.* by an order of the 7th February, gazetted the 16th February 1888. Ex. EK. Ex. EK. Ex. EL. Ex. H. Ex. EM. Ex. EN. Ex. EN. Ex. EO.

The case for the prosecution is that the re-opening of Paránjpe's case and his appointment to act as Mámlatdár were the result of a corrupt bargain, under which he paid Rs. 2,000 to Hanmantráo for Mr. Crawford in three sums, Rs. 500 in February, Rs. 1,000 about the 19th April, and Rs. 500 between the 4th and 12th May. Case for the prosecution

Paránjpe's story is that shortly after sending in his petition to Mr. Crawford in January 1887 he took a month's privilege leave, commencing on the 22nd January, and that before leaving Niphád he drew Rs. 600 from his savings bank account on the 17th January. He said :— Paránjpe's story.

"I came to Poona six or seven days after my leave commenced. I brought with me Rs. 600. .....I know Yádavráo Sáthe. He is an old acquaintance of mine. I went to see him. After conversation with him I went with him to Hanmantráo's. We saw Hanmantráo in the evening. I cannot fix the date of the interview. It was in February 1887. Where we were no one was present. Yádavráo told Hanmantráo I had come to see him for my business. Yádavráo stated my whole case to Hanmantráo. He then said he had some important business, and he left. Hanmantráo and I remained there alone. Hanmantráo looked at my certificate and papers which I had with me. I said to Hanmantráo I wished my case to be re-considered. Hanmantráo said Rs. 3,000 will be required for that. I said the amount was too large; I had not so much with me. Hanmantráo said he had some other business to attend to, and asked me to see him again. I left him. I saw him again in three or four days. I went alone and saw Hanmantráo alone in the evening. I had a conversation with Hanmantráo about my case. He said I must pay Rs. 3,000. I said I could not. After some haggling Rs. 2,000 were agreed on. I asked him to take Rs. 1,000 or Rs. 1,500; but he would not agree. I had not the rupees with me at the time, but I told Hanmantráo I would see him again in a day or two, and I then left. Hanmantráo said he would arrange to secure my mámlat back for me. I said I would come and see him in a day or two. He said, 'Very well, bring the money.' I took Rs. 500 out of the Rs. 600 I had withdrawn from the savings bank and I went to Hanmantráo's house in the evening a day or two after the last visit. No one was present at our interview. Hanmantráo asked me if I had brought the money. I told him I had not brought the whole amount, but I had brought Rs. 500. I gave him the Rs. 500, which were in notes. I promised to send the balance at my convenience, but Hanmantráo asked me to send it as soon as I could. Hanmantráo said, 'If you send 'the money soon your business will be done soon.'. Hanmantráo said my business would probably be done within a fortnight or a month, as I had been probationary Mámlatdár before. This was all. I then left. I told him I had made an application to the Collector. I cannot fix the date of the payment of the Rs. 500. It was five or six days before the Jubilee preparation began, that is, before the Jubilee day. I was in Poona on the Jubilee day. I rejoined at Niphád on the 22nd February. I next came to Poona in the month of April. On March 21st, 1887, I withdrew Rs. 1,100 from the savings bank account of my son, Náro Bhagvant, who is 12 or 13 years old.

The money is mine. I was gazetted fourth grade Mámlatdár at Chándor in the "Gazette" of 7th April 1887. I came to Poona in April. I arrived on the morning of 19th April. I fix the date because on the 14th or 15th I received the order of appointment. I remained at Niphád till the 17th and took three days' preparatory leave. I started on the 18th with the Rs. 1,000 and came to Poona. I went to my lodgings, put my bag there, took out Rs. 1,000 and went with it to Hanmantráo. As I went in I saw some people leave. No one was present when I gave the money. Hanmantráo said to me my appointment had been gazetted; how was it I did not bring the whole amount? I promised to send the balance in a short time and then left him. Before I left Niphád I drew Rs. 50 from one account and from the other Rs. 95. That left a small balance in each account. I went from Poona to Niphád and thence to Chándor. From Chándor I was transferred to Peint. I do not know how that was. I delivered over charge at Chándor on the 3rd May 1887, and took preparatory leave from the 4th and joined at Peint on the 12th. During this joining time I came to Poona. There I saw Hanmantráo and paid the balance of Rs. 500 to him in notes and cash. I cannot fix the date. It was between 4th and 12th. This last instalment of Rs. 500 was made up of the Rs. 100 which remained as balance from the Rs. 600 I had withdrawn first; then I had a balance of Rs. 100 out of the Rs. 1,100 I had drawn and from which I had paid Rs. 1,000; to this I added the Rs. 50 and the Rs. 95 I had withdrawn last, and the remaining Rs. 155 I had in my house. From Peint I was transferred to Málsiras by an order of 28th May. I joined at Málsiras on the 12th July from Peint. I left Peint on the 30th June. I believe I left Málsiras on the 15th September. I did not revert to my appointment as Head Kárkun. I am still at Jámkhed as Mámlatdár. I drew full pay at Jámkhed from 23rd September to end of December. An objection was then taken by the Accountant General that as I was not gazetted *sub. pro-tem.* I was not entitled to full pay. I made an application to the Commissioner. An order of the Commissioner was gazetted on the subject. I have drawn full pay ever since I joined at Jámkhed."

aracter of tness and roborain.

Paránjpe according to his own showing was not in any sense a victim of extortion but a willing party to a corrupt bargain, and we can accept no statement of his without substantial corroboration. The only other witness called was Yádavráo who speaks to the first interview with Hanmantráo. He is a witness to whom we give no credence. Reliance was placed upon Paránjpe's drawings from the savings bank as confirming his story. Those drawings no doubt took place in fact, for the books show them; but they do not afford substantial confirmation to the witness. The drawing of Rs. 600 on the 17th of January, when the man had sent his petition and was about to take leave, is a very minor matter, though very possibly he meant to spend and did spend the money or some of it in corrupt gratuities. As to the larger sum, we do not see that the fact of his drawing Rs. 1,100 at Niphád on the 21st March, at a time when he had no reason to anticipate that he would or could come to Poona, confirms his statement that he paid Rs. 1,000 in Poona in the latter part of April. The smaller drawings do not call for notice.

If we could accept Paránjpe's story as established, there would still be no evidence affecting Mr. Crawford, and he has denied all knowledge of any corruption. Mr. Crawford said in his evidence that he was and is decidedly of opinion that Paránjpe had been hardly dealt with, and Pendse also says that was Mr. Crawford's view. And on this view there would be reasonable ground for giving him another chance. For his subsequent removal from Peint to Málsiras Mr. Crawford gave a reason, that he thought there was a prejudice against the man in Násik, and that it was fairer to him to send him to another district. We were asked indeed to say that Mr. Crawford's action, in reviewing a case which had been dealt with by his predecessor, was so extraordinary as to give rise to a suspicion of corruption. This suggestion is in our opinion unfounded. Upon receiving Paránjpe's petition of the 17th January 1887, we think Mr. Crawford did no more than his duty in considering the whole matter for himself, and forming his own opinion as to whether the man had sufficiently expiated his old offences, and whether he ought to be given another chance as Mámlatdár. As to his decision, it is not for us to say whether his course or Mr. Robertson's was the more judicious; but there can be no doubt that the conclusion Mr. Crawford came to is one to which any man might reasonably come, and his orders followed as a matter of course. It was, however, further contended that Paránjpe's appointment was contrary to the Resolutions of Government with regard to such appointments generally. It is not our duty to construe those orders. It is enough to say that a reasonable man might well hold the view that one who had been held qualified for, and appointed to, a

2. mámlat in 1880 was not affected by the rules subsequently made; and this is the view

Mr. Crawford says he held and still holds. Nor do we think that Mr. Crawford's action conflicted, as has been suggested, with the Resolution of Government refusing Paránjpe leave to go up for the Higher Standard Examination. What Government did was to refuse to suspend general rules in his favour; it did not, as far as we can see, decide anything as to his right under the general rules. Ex. EG

In our opinion there are no grounds for this charge against Mr. Crawford.

Thakár's Case.

The charge is, "that you, by your agent, Hanmantráo Rághvendra, on or about the "2nd day of February 1887, corruptly received the sum of Rs. 1,000 from Ganesh "Pándurang Thakár, then Mámlatdár of Nagar, in the Ahmednagar District, as an "inducement to favour the said Ganesh Pándurang Thakár in your official capacity of "Commissioner, Central Division." Charge.

Thakár is a B.A. of the Bombay University and was appointed a substantive Mámlatdár in 1879. He had exceptional promotion and acted as Deputy Collector when Mr. Robertson was Commissioner, and in the Civil List for the 1st of April 1886 he is No. 9 on the list of second grade Mámlatdárs and on special forest duty. He was on the 25th of June 1886 entered on the list of candidates eligible for the post of Deputy Collector. On the 5th of July 1886 he presented an application to the Commissioner stating that he had just finished his forest work and wished to be appointed a first grade Mámlatdár in place of Edalji Kánga. The application was strongly supported by the Forest Settlement Officer and the Collector, and on the 12th of July 1886 Mr. Crawford endorsed on the application a reply that he had much pleasure in promoting Mr. Thakár to the first grade. Accordingly, by an order dated the 13th of July, gazetted the 15th of July 1886, Thakár was appointed apparently to act as first grade Mámlatdár *vice* Edalji Kánga. On the 22nd July 1886 Mr. Crawford, in reply to a letter dated the 20th of July, wrote to the Private Secretary, saying that Thakár was available to act as Huzúr, Deputy Collector at Nagar, for two months, and he (Mr. Crawford) would be glad to know soon if Thakár was to act. On the 23rd July 1886 the Private Secretary replied that Thakár was to act as Huzúr, Deputy Collector, and Thakár was accordingly appointed to act in that capacity at Nagar.

Thakár's services. Ex. DS. Appointed acting first grade Mámlatdár. Ex. 173. Appointed acting Deputy Collector, Nagar. Ex. 94. Ex. 95.

Mr. Crawford before the 21st of August 1886 wrote to Government favourably reporting on Thakár's work and recommending that when relieved of his acting appointment of Deputy Collector he should be sent to Sátára to finish the settlement business. On the 21st of August 1886 Mr. Waddington wrote a letter to Mr. Crawford introducing Thakár who, he said, was anxious to be appointed a Deputy Collector. Thakár appears to have seen Mr. Crawford, who inquired from Pendse what recommendation had been made regarding Thakár. On the 20th of October 1886 Mr. Crawford wrote to the Private Secretary asking whether Thakár, who would shortly lose his acting appointment at Nagar, would be likely soon to be appointed a Deputy Collector, acting or otherwise. To this a reply, dated October 23rd, was sent that Thakár apparently stood first on the list for an acting Maráthi Deputy Collectorship.

Ex. 98. Subsequent correspondence and orders. Ex. 97. Ex. 99. Ex. 100.

Early in January 1887 Thakár says he saw Mr. Crawford at Yeola in the Násik District, and asked for the post of Native Assistant in the Commissioner's office, but his request was refused. About the end of January, he says, he again went and saw Mr. Crawford in Poona, and asked for an appointment as Forest Settlement Officer or Deputy Collector. By an order of the 31st of January, gazetted the 10th of February 1887, Thakár was appointed to act as first grade Mámlatdár in place of Bápat, an appointment which lasted for about a month. On the 19th of February 1887 Mr. Crawford wrote to the Private Secretary intimating that the Deputy Collector of Sholápur had applied for two and a half months' privilege leave from the 2nd of March, and that someone should be appointed to act. Mr. Crawford did not recommend anyone for the vacancy. By an order of the 1st of March, gazetted the 3rd of March 1887, Thakár was appointed to act as Huzúr Deputy Collector of Sholápur. There he acted until the 13th of June, and from the 21st of June to the 17th of August 1887 he acted as Deputy Collector at Nagar. Then he reverted to his mámlat until the 2nd of November. On the 9th of October 1887 the Private Secretary wrote to Mr. Crawford announcing his intention to appoint Thakár to act for three months at Ratnágiri. Mr. Crawford on the 10th of October replied that the appointment was an excellent one.

Ex. DP. Ex. 101. Ex. DQ. Appointed acting Deputy Collector at Sholápur. Appointed to like office at Ratnágiri. Ex. 102.

Thakár was accordingly appointed. On the 7th of February 1888 he was sent as Mámlatdár to Válva with Rs. 40 a month extra pay.

Case for prosecution.

The case for the prosecution is that Thakár paid Rs. 1,000 to Mr. Crawford in order to induce him to favour Thakár, but it is not maintained that any improper favour was shown in return for the money. It is said that the transaction was of the nature of a forced loan.

Thakár's story.

Thakár's story is as follows:—

Applies to Crawford for post of Native Assistant.

"Before Christmas 1886 I had acted as Huzúr Deputy Collector for three months at Nagar. I had also been on special forest duty about Christmas 1886. I wished to be Native Assistant in the Commissioner's office. The office was vacant for a short time. I saw the Commissioner, C.D., Mr. Crawford. I first saw him at Yeola in Násik District, a short time after Christmas in January 1887. I said I was high on the list and wanted to get the Native Assistant's place. He told me Bápat, another excellent Mámlatdár, would be appointed if anyone was. Bápat's full name is Shankar Bhálchandra Bápat. I had heard the assistantship was to be vacant, so I made my application. I went back to Nagar. About the end of January I again went to see the Commissioner at Poona. It was about the 28th or 29th. I had heard that a Forest Settlement Officer was to be appointed at Bhor. As I had already done forest duty, I thought I might be appointed, or if any Deputy Collector was appointed there I might get his place. I put up with Mr. Pendse. I made acquaintance with Mr. Pendse first at the Deccan College. Afterwards he was Native Assistant to the Commissioner, and I was Málatdár, and we had frequent opportunities of meeting one another. Mr. Pendse was a Fellow of the Deccan College and I was a student. Mr. Pendse did not instruct me, I was in the B.A. Class. Since 1879 I have seen him now and then. I was at college in 1871.

Interview at Kirkee and demand of money by Crawford.

"I went next day after coming to Poona to see the Commissioner at his Kirkee bungalow. I sent in word of my arrival by a peon, and Mr. Crawford came out on the verandah, shook hands with me, and went in, telling me to follow. We went into a small room. Mr. Crawford gave me a chair and he remained standing. That made me somewhat nervous. Then I commenced urging my claims about getting the vacant place as Forest Officer or acting Deputy Collector. I told him I stood high on the list of candidates for Deputy Collectors' places and had already acted as Deputy Collector twice. I requested him to give me the place if any fell vacant. Then Mr. Crawford said he knew my claims and he would take an interest in me and look after me. Then he said to me he was in great pecuniary difficulties and he asked me to give him Rs. 1,000. I do not remember the exact words used, but they were to this effect: 'You should help me and I will help you.' This demand increased my nervousness and I said I would think and see what I could do. When I began to leave the place I saw Hanmantráo outside the room in the big hall. He was outside the curtain. I had not known or seen Hanmantráo before. When I was going Mr. Crawford pointed to Hanmantráo and told me to pay the money to him as soon as possible. I then left. I went here and there in the town, and about 11 or 12 I went to Mr. Pendse's. My visit to Mr. Crawford was between eight and nine. I did not see Mr. Pendse; he had gone to office. I took my meal and in the evening I left for Nagar, where I arrived early next morning. I think this was a Saturday, but I am not sure. At Nagar I met my brother Govind P. Thakár. He is head master of a municipal school at Nagar. I told my brother what had taken place, and asked him what I should do. He lives with me. After this conversation I made up my mind to pay the sum. I drew the money from my savings bank account. I could not draw the money on that Saturday, as the bank was closed early and I sent late. I think I drew on Monday. The book shown me is my Post Office Savings Bank book. I find an entry dated 31st January 1887 showing Rs. 1,000 drawn.

"I got the money in cash. I got the cash changed into notes by a man, Ganesh Náráyan Nagarkar. He is a sáwkár at Nagar. Having got the notes, I took them and left Nagar in the evening to come to Poona. I left the day after I had got the notes. I arrived at Poona at 4.30 a.m. On getting to Poona I went to Mr. Bápuji Mahipat Khárkar, Alienation Assistant. I have known him since 1879–80. I was Mámlatdár at Chándor and he was Head Clerk to the Collector of the district. I had a conversation with him. I had to call him, as it was not daybreak. I told I had to bring the money for Mr. Crawford. I showed him the notes. After some time I took the notes and went to give them to Hanmantráo. I knew Hanmantráo lived in Shukrawár Peth, but I did not know the exact place. I made inquiries of passers-by, &c., who told me

where he lived. I saw Hanmantráo. He was on the second floor. That means the one next over the ground floor. He was alone. I took out the notes and handed them over to him. I said I was asked by Mr. Crawford and now I gave the notes to him. He asked why I had made such a haste in bringing the money. I said, 'If I 'have once made up my mind to give, what is the use of delaying? If I give now or 'later it is the same, so I have brought the money.' Then I left; I was in a hurry to go back. From Hanmantráo's house I went to Mr. Khárkar's. I saw Mr. Khárkar and told him I had paid the money to Hanmantráo. I then took leave of him and left for Nagar the same day. I left Poona about 8.30 a.m. and got to Nagar about 4 or 5 p.m. About the same time I saw my brother. I told him I had come back after paying the money. I have been drawing Rs. 250 a month from 19th October 1886. I joined this appointment at Sholápur on 17th March 1887. That lasted till the 13th June, when I acted as District Deputy Collector of Nagar from 21st June to 17th August. Then I reverted to my mámlat till the 2nd November, and on the 3rd I took charge of the Deputy Collectorship of Ratnágiri. I saw Mr. Pendse on my way to Ratnágiri at the end of October. That was the next time I saw him after January. I had a conversation with him. I did not know exactly where I was on the list of candidates for Deputy Collectorships."

Thakár pays Rs. 1,000 to Hanmantráo.

In support of this story, the evidence of Govind P. Thakár, G. N. Nagarkar, V. G. Deshmukh, and B. M. Khárkar is adduced. Govind P. Thakár is the brother of Ganesh Thakár, and says he remembers that his brother told him the story of Mr. Crawford demanding money and asked his advice. Govind Thakár says he advised his brother to pay, and that Ganesh Thakár withdrew Rs. 1,000 from the bank, changed the money into notes, went to Poona, and on his return told him he had paid the money. Khárkar also remembers Ganesh Thakár coming to him in Poona about 5 a.m. towards the end of January. He says that Thakár told him the story of Mr. Crawford's demanding money, showed him notes he had brought and left about 6 a.m. Khárkar says that in about an hour Thakár returned, said he had paid the money to Hanmantráo, and immediately went to the railway station. There is little weight in evidence of this kind. Khárkar's house is not on the road to Hanmantráo's from the station and it is unlikely that Ganesh Thakár would have gone out of his way twice to see Khárkar in order to tell him about the payment of the money. With regard to Khárkar's evidence it is to be observed that he made his first statement about the 27th of July 1888 to Mr. Kennedy, and afterwards stated in the Hanmantráo case that he had not made any statement against Mr. Crawford and had no intention of doing so. This clearly implies that he had not then told the story of Thakár's bribe, but Khárkar's explanation is that he only meant that he had made no statement against Mr. Crawford with reference to his (Khárkar's) own dealings.

Corroborative evidence.

G. N. Nagarkar is a sáwkár in Nagar whom Thakár says he asked to get for him Rs. 1,000 in notes. It is not easy to see why Thakár should not get the notes from the treasury himself, nor why Nagarkar got them for him. Thakár has no account or dealings with Nagarkar. The treasurer Deshmukh produces his books, which show that on the 1st of February 1887 five notes of Rs. 100 each were issued to Thakár Mámlatdár. Nagarkar says that he had about 400 or 500 rupees worth of notes of his own and got the other notes himself at the treasury in Thakár's name. Considering that he says he is a banker, this story that he got the notes in Thakár's name is suspicious. We do not accept the evidence of Nagarkar. The probability is that Thakár got Rs. 500 worth of notes himself from the treasury on the 1st of February as entered in the register. The entry in the savings bank book of the withdrawal of Rs. 1,000 on the 31st of January is not evidence which carries weight. There is nothing remarkable in such an entry. On the 10th of June 1886 Rs. 500, and on the 22nd of October 1887 Rs. 800, were withdrawn.

We consider that there is no sufficient confirmation of Thakár's statement. That statement is, moreover, discredited by the facts of the case. Up to January 1887 the time when Thakár says that Mr. Crawford demanded money, we find that Mr. Crawford regarded Thakár as a promising officer and promoted him or favoured his promotion. After the demand of the bribe comes the *sub. pro-tem.* appointment of the 31st of January. This appointment only lasted for about a month. Thakár was the first Mámlatdár on the list with first class and summary powers, and Pendse says he had a very excellent record. In the letter of the 19th of February 1887, after the alleged payment of the bribe, Mr. Crawford does not recommend Thakár and does not even mention his name. Thakár was appointed by Government to act at Sholápur without

Thakár's story discredited by the facts.

Ex. 101.

a word from Mr. Crawford. The same was the case when he was appointed to Nagar.

Conclusion. Mr. Crawford denies the truth of his story, and we are of opinion that Mr. Crawford is not guilty of this charge.

Deshpánde's Case.

Charge. The charge is " that you, by your agent Hanmantráo Rághavendra, on or about the " 16th day of March, 1887 corruptly received the sum of Rs. 500 from one Lakshman " Moreshvar Deshpánde, Native Assistant to the Commissioner, C.D., as an inducement " to favour and as a gratification for having favoured the said Lakshman Moreshvar " Deshpánde in your official capacity of Commissioner, Central Division."

Deshpánde's service. Deshpánde is a B.A. of the Bombay University. He passed the H.S. on the 18th of October 1881, first became *sub. pro-tem.* Mámlatdár in 1883, and in the Quarterly Civil List of October 1886, he is shown as Mámlatdár of Násik, standing No.16 in the fourth grade. By an order dated the 19th of November, gazetted the 25th of November 1886, he was appointed *sub. pro-tem.* in the third grade during the absence of S.B. Ex. FS. Bápat or till further orders. By another order of the 17th of December, gazetted the Ex. FT. 23rd of December 1886, he was transferred to Pimpalner in Khándesh, with an extra allowance of Rs. 25 per mensem. That extra allowance is in respect of certain political duties which devolve upon the Mámlatdár of Pimpalner, a place which has a bad repute in point of climate. He never apparently went to Pimpalner, but came to Poona, bringing, as he says, a note from his Collector to Mr. Crawford, his object being to have his transfer to Pimpalner cancelled. At the end of December 1886, B.G. Sáthe, Native Assistant to the Commissioner, had to take leave in consequence of illness, and Pendse recommended Deshpánde to Mr. Crawford as the right person to act for him.

Crawford's orders. Mr. Crawford accepted this recommendation, and applied to Government for sanction in a letter dated the 1st of January 1887. Sanction must have been granted, for a few Ex. FU. days afterwards Deshpánde took charge of the office, which he held till the 10th of Ex. DP. March. On the 31st of January he was confirmed in the 3rd grade. On the 10th of Ex. CE. February Mr. Crawford made an order, gazetted on the 17th, appointing him *sub. pro-tem.* in the second grade, but there seems some reason to doubt whether that was a valid appointment or not, the question being whether there was strictly speaking a vacancy in the grade or not. At any rate, to a man acting in the post which Deshpánde then held, it could make no difference in pay. In March 1887, Deshpánde applied Ex. FV. through the Private Secretary to his Excellency to have his name placed on the list of Ex. FV. (*a*) candidates for Deputy Collectorships. The application was sent to Mr. Crawford for his opinion, which he gave on the 18th of March as follows:—" Mr. Deshpánde did very " well during the few weeks he acted as my Native Assistant. Mr. Woodward speaks Ex. FV. (*b*) " well of him as a Mámlatdár, but he is only a 4th grade Mámlatdár and ought, I think, " to possess his soul with patience. He is fit, but too junior in my opinion." Mr. Crawford here made a mistake, for Deshpánde was in the third grade—a mistake probably due to the fact that Mr. Crawford was away from Poona. On or about the 17th of March Deshpánde returned to Násik and resumed charge of that táluka.

Case for the prosecution. The case for the prosecution is that on the 18th of March Deshpánde paid Rs. 500 to Hanmantráo for Mr. Crawford. The case opened to us was that exceptional promotion was given and exceptional favour shown to him by Mr. Crawford before that time with the object of afterwards obtaining money from him.

Value of the case. This case may be dismissed briefly. There was nothing of an unusual character in the man's promotion. When he was appointed *sub. pro-tem.* in the third grade he was the only first class Magistrate in the fourth grade with summary powers, except one who was already *sub. pro-tem.* in the third. His appointment to act as Native Assistant was made on the recommendation of Pendse, a very natural course. His appointment to be *sub. pro-tem.* in the second grade, whether made under a mistake or not, was quite a natural thing in the case of a man holding the position that he held. Even if his promotion were at all unusually rapid, we should be much more inclined to explain it by the fact that in Pendse, the Assistant to the Commissioner, he had a special friend and patron, than by any such theory as that of the prosecution. That Pendse was for putting him forward more rapidly than Mr. Crawford would sanction is clear from a Ex. DT. comparison of Pendse's proposal, in his letter of 26th of June 1886, that Deshpánde should be recommended for the list of candidates for Deputy Collectorships, with Mr. Crawford's letter of the 18th of March 1887, declining to recommend him. And this letter is irreconciliable with the notion of Mr. Crawford's having taken a bribe from the man two days before.

The evidence presents a case of an entirely difierent character from that opened. Deshpánde's own story is this. After mentioning the order of the 17th of December 1886, transferring him to Pimpalner, he says in his examination-in-chief:— Story of Deshpánde.

" I came to Poona about 26th or 27th December 1886. In Poona I received a communication purporting to come from Hanmantráo. I put up in Poona with Shankar Shripat Deshpánde, a relative. I told Hanmantráo's man I would not go. The message was verbal. I mentioned the matter to Mr. Pendse. On the next day I went and saw Chitámbar Keshav Gádgil, my acquaintance. While I was speaking to him Hanmantráo came there. I and Gádgil and two of his family, boys of 16 or 18, were present. I do not know who these boys were. Hanmantráo asked me when I was going out to Pimpalner. I said soon after the end of the Christmas holidays. He then said, 'You have got the fruit of your holding aloof and raising slander against us.' I told him I did not do anything of that sort. He further said, 'You were here in August 'last on short casual leave, but did not see us. I was a friend of yours and you would 'have seen me, instead of that you cried down Mr. Crawford's régime and spoke about 'it to Mr. Woodward. If you parade your virtues in that way you will be ruined. If 'you don't choose to become practical you will have your prospects marred.' I told him it was all a false allegation. The conversation was in Maráthi with some English words too. The above, as far as I recollect, is the substance of what passed. I returned from that house feeling myself humiliated. I mentioned this interview to Mr. Pendse, probably on the same day. In the morning of the day after this interview at Gádgil's I went over to Mr. Crawford's bungalow at Kirkee and sent in word by a peon. The peon told me the Commissioner Sáhib was not in the bungalow. I then waited outside. Soon after a man came to call me and I went in. I saw Hanmantráo. He showed me a Mámlatdár's list with pencil remarks on it. He showed me also a letter addressed by Mr. Pendse to Mr. Crawford, in which along with three others my name was mentioned. The paper shown me is a copy of the letter Hanmantráo showed me. He also put into my hands the correspondence relating to the abolition of the post of Inspector-General of Police. I do not remember seeing any further documents. My conversation with him was about appointments and transfers and promotions of Mámlatdárs. I was about half an hour with Hanmantráo in that room. A peon then announced that the Commissioner was in. I went out of the bungalow at the request of Hanmantráo. Having got out I sent in word and was called in and saw the Commissioner. He spoke to me about the Pimpalner transfer, and I handed over Mr. Woodward's letter to him. He said he would reply to Mr. Woodward, and he then dismissed me. This interview was about the 27th or 28th December. Shortly after I heard that B. G. Sáthe was going on leave. I spoke to Mr. Pendse, and told him I hoped he would oblige me as he had already recommended me for the post of Deputy Collector. The application of B. G. Sáthe was received by Mr. Pendse from Mr. Crawford about this time, with an inquiry as to what office arrangements would have to be made. Some communication passed from Mr. Pendse to Mr. Crawford and I was appointed.

" I think I took charge on the 6th or 7th February. My service book has been lost. I have recently prepared as accurately as possible a new service book. In January, 1887, I was on tour with the Commissioner, I returned with him to Poona about the end of January. I was confirmed in the third grade on the 31st January 1887. After my return from Poona I carried on my work in the office. I remember Hanmantráo coming one day to the Commissioner's office. I cannot fix the date. It was a week or so after I returned. I was called out of the office to see Hanmantráo by a peon. Hanmantráo was standing in the compound close to one corner of the building. I did not go out on the first message. It was reported. I had a conversation with Hanmantráo. He spoke to me about the Bhorgaon watan case. That case was pending at the time. He told me to prepare my report in favour of a particular individual. I don't remember the individual now. I said it would be hard for me to take a view other than that warranted by the circumstances of the case. I had not at that time read the papers in the case. He said he was speaking to me under instructions from the Commissioner, and I should see my way to write accordingly. I said I would look to the matter and write according to my own way, unless I had official instructions. I came back and read the papers and wrote the draft report. That draft report was not approved. The papers were returned to the office. Papers are, as a rule, returned to Mr. Pendse, the head of the office. I wrote no other report afterwards. Bápat afterwards prepared another draft report on the subject. He was Extra Assistant Commissioner on the arrears of watan work. I remember an order of 10th February 1887, appointing me *sub. pro-tem.* second grade. At the time of that order Bápat was on special duty. That order did not affect my pay. My pay as

Acting Assistant was Rs. 150 + 66 acting allowance for the first month and Rs. 175 + 110 as acting allowance for the second month. I drew as Acting Assistant only my substantive pay and acting allowance. When an officer goes on privilege leave ⅔ of sanctioned acting allowance is paid in the first month. About five or six days after the notification referred to, I saw Hanmantráo at my house. He came there. He told me he had got me appointed as assistant and also *sub. pro-tem.* second grade, and that I was much obliged to him. I said, as regards my post of assistant, I was indebted to Mr. Pendse. As regards the second grade *sub. pro-tem.* appointment it was a sham. By this I meant it was an excess appointment. It was the fifteenth appointment in the grade, the sanctioned number being fourteen. He said to me it was only a trick to raise me to a higher grade still. He then said he was in pecuniary difficulty and I should assist him. I said I would not pay him anything. I told him I was poor and would not pay. He spoke to me about my getting above Rs. 150 as remuneration for the extra assistantship. He told me to consider the matter, and he gave me to understand that there would be no escape from payment. I said I would consider, and he went away. The sum of Rs. 1,000 was mentioned at this interview. He asked me for this amount. On the 10th March I gave up charge of the Assistant Commissionership. I left Poona on March 15th or 16th for Násik. Prior to leaving I sent in an application to have my name enrolled on the list of candidates for Deputy Collectorships. I saw Hanmantráo again the night before I left Poona for Násik. He came to my house. Hanmantráo again repeated his former request. and I repeated my refusal. He then peremptorily asked me to pay him Rs. 1,000, or Rs. 500 if I could not spare that amount. He said if I would not pay I should ruin myself entirely. He said I was here in the office and was entirely under their control, and the Commissioner had an opportunity of making an unfavourable entry about me in the record. Seeing from my short experience how powerful Hanmantráo was, and seeing that he was practically the Commissioner, I regret I had to yield, and in order to stop him from working his evil powers I paid him Rs. 500 at this interview."

In cross-examination he said:—

"Hanmantráo was not constantly in the office. He came there frequently. I myself saw him five or six times. B. G. Sáthe was away at that time. Pendse did not see him come, but he was informed about it. Hanmantráo used to take papers from the office. I saw him do it. I don't know if Pendse saw it. He might have known about it. I believe he did."

In re-examination he said:—

"I saw Hanmantráo three or four times in the office while I was acting as assistant. That was two months and three days. I was in Poona as Native Assistant for about three weeks. I used to see him in different places. I saw him in the compound. I never saw him in any part of the bungalow."

And in answer to us he gave the following account:—

"I saw Hanmantráo take away papers only once out of the three or four times I saw him in the compound. I was in the verandah quite close to where he was standing. I did not hear the conversation. I heard nothing that was said by either of them. I could not see what papers they were. They had the appearance of watan case papers. I saw a clerk put the papers in his hand; so I inferred they were office papers. I had no other reason for thinking them to be office papers. I submit I was not sure they were watan papers. I could not say from the papers themselves they were watan papers. There was nothing in the facts I saw which led me to think they were watan papers. If any papers were required, watan or inám papers would probably be asked for. I spoke from what I thought would be likely to be the case. The clerk who was giving the papers I don't distinctly recollect. I can't say what branch of the office he was in. I can't say whether he was in my branch. I did not rebuke him for giving papers to a stranger. The majority of watan cases was in my branch. I took no steps to ascertain if the papers handed to Hanmantráo belonged to my branch or not. I may have reported to Mr. Pendse that I saw the papers handed over. I spoke to Pendse about every time Hanmantráo came. No punishment was inflicted on the clerk who handed over the papers. He was not censured, nor was any fault found with him. The whole thing was an open secret. How could we do anything? We were all helpless like sheep in the Commissioner's hand. The only alternatives were to leave the service or remain in the position in which we were placed. The man was the Commissioner's own man."

Deshpánde's story is confirmed by Gádgil to the extent that he says a conversation did take place at his house between Deshpánde and Hanmantráo; but of the discussion about money he remembers nothing. S. S. Deshpánde, cousin of the principal witness, only says, that his cousin was in Poona about the time in question. Pendse was called to confirm him about the information said by him to have been given to Pendse at the time, but failed to do so except as to one point of minor importance. Mr. Crawford in Hanmantráo's case and before us gave a somewhat different account from the witness of the interview between them, and he also in Hanmantráo's case differed as to its date; but as to the date the documents show the witness to be right, and Mr. Crawford admitted his mistake. The conversation itself is of no importance. The story rests upon the credibility of Deshpánde. He is not a man, like most of the witnesses of his class, who charges himself with having been a voluntary party to a corrupt bargain, he shows himself as a mere victim of extortion. It is unnecessary to express any opinion whether his main story is true or not; certainly his own evidence shows that his broad statements as to his belief in, and fear of, Hanmantráo's power and influence are untrue or at least greatly exaggerated.

Corroborative evidence.

Character of evidence.

If the story were true, it presents a picture not of Hanmantráo getting bribes for Mr. Crawford, but of Hanmantráo levying black-mail for himself, by means of misrepresentation and vague threats: and though in no other case do the witnesses use as strong general expressions as in this with regard to the position and power of Hanmantráo, when we come to particulars we find a state of things quite inconsistent with those general statements. We find Hanmantráo pretending to have influenced appointments with which he had had nothing to do; venturing to bring Deshpánde into Mr. Crawford's room, and to take up and show him papers from the table, but afraid to be caught doing it; slinking about the compound of the office, but never entering the building: when he wants information of what is going on in the office, getting it on the sly from the kárkun Gádgil; when he wants a paper, getting it on the sly from another clerk; when he would like to influence the terms of a report, trying to persuade Deshpánde to accede to his wishes.

Hanmantráo's position.

We are of opinion that Mr. Crawford is not guilty of this charge.

Kelkar's Case.

The charge is "that you, by your agent Hanmantráo, Rághavendra, in or about the "month of March 1887, corruptly received a sum of Rs. 500 from Vishnu Raghunáth "Kelkar, *sub. pro-tem.* third grade Mámlatdár, and in or about the month of January "1888, a further sum of Rs. 300 through the said Hanmantráo Rághavendra, as "inducements to favour the said Vishnu Raghunáth Kelkar in your official capacity of "Commissioner, Central Division."

Charge.

Vishnu Raghunáth Kelkar is a L.C.E. of the Bombay University. He was appointed a Mámlatdár in January 1883, and obtained a substantive appointment in the following year. On the 12th of April 1886, he was No. 11 in the fourth grade and was stationed at Ráhuri in the Ahmednagar District. On the 22nd of May 1886, Kelkar submitted to the Private Secretary an application asking that his name might be entered on the list of officers eligible for Deputy Collectorships. This application was apparently referred to Mr. Crawford, who, on the 27th of June 1886, wrote that Kelkar was a promising man, but that he was only No. 11 in the 4th grade and there were several men above him with superior claims. It would seem from Exhibit DT that Mr. Crawford wrote this after consulting Pendse. On the 5th of July 1886, Mr. Hart wrote to Kelkar informing him that his name could not be then entered in the list of candidates, but that he might renew his application after a year or two.

Kelkar's service.

He petitions to be placed on list for Deputy Collectorship. Fx. FW. Ex. DU. Ex. FX.

On the 11th of October 1886, Mr. Crawford wrote to Pendse asking him to select a good Ahmednagar Mámlatdár to go to Sátára on audit duty. To this Mr. Pendse replied that he had telegraphed to the Collector of Ahmednagar to direct Kelkar to proceed to Sátára at once to take up audit duty. Mr. Crawford approved. On his way to Sátára Kelkar passed through Poona and had an interview with Mr. Crawford. By an order of the 17th December, gazetted on the 23rd of December 1886, Kelkar was appointed *sub. pro-tem.* third grade Mámlatdár and posted to Taloda with an extra allowance of Rs. 25 a month. This vacancy arose from the retirement of Trimbak Gopál Jowarker on the 31st of December. On the 24th of December 1886, Kelkar left Sátára and came to Poona. He did not, he says, like the transfer to Taloda. He had no objection to Taloda itself, but it was a very distant place and he feared further transfers. On the 10th or 11th of January 1887, he arrived at Taloda, and by an order of the 10th of February, gazetted the 17th of February 1887, he was transferred

Is sent to Sátára. Ex. 211 Ex. 212.

Ex. Ft. Promoted and posted to Taloda.

Ex. CE. Transferred to Bhimthadi.

to Bhimthadi in the Poona District. On his way to Bhimthadi he passed through Dhulia and was there told by the Collector that his transfer to Bhimthadi was cancelled and that he was to wait for orders. Accordingly, by an order dated the 4th of March, gazetted the 10th of March 1887, he was posted to Nagar in place of Thakár, who was sent to act as Deputy Collector of Sholápur.

Sent to Nagar. Ex. FY. Ex. DQ.

On the 27th of April 1887, Kelkar again submitted to the Private Secretary an application asking that his name might be entered in the list of officers eligible for a Deputy Collectorship. This application was forwarded on the 29th of April 1887, to Mr. Crawford, who on the 5th of May wrote that he could give unqualified support to the application as he looked upon Mr. Kelkar as at once one of the best and most reliable of his Mámlatdárs. On the 8th of June 1887, the Private Secretary wrote to Mr. Crawford informing him that Mr. Hamilton, the Deputy Collector of Nagar, was going to act as Presidency Magistrate and that there would be a short vacancy at Nagar which perhaps the Collector could arrange for. Meantime the Collector had telegraphed to Mr. Crawford asking permission to put Kelkar in charge of the treasury. On the 13th of June Mr. Crawford authorized this arrangement and informed the Private Secretary that he had done so. Kelkar accordingly took charge of the office of Deputy Collector at Nagar on the 13th of June and was gazetted on the 7th of July. This appointment seems to have lasted longer than it otherwise would have done owing to Mr. Crawford's suggestion that Thakár should, on coming back to Nagar, be an additional Deputy Collector instead of taking over charge of the treasury from Kelkar. By an order of the 18th July, gazetted the 21st of July 1887, Kelkar was confirmed in the third grade. On the 8th of August 1887, on Mr. Hamilton's return to Nagar, Kelkar reverted to a mámlat, and by an order of the 8th of August, gazetted the 11th o Agust 1887, he was ordered to Sásvad. On the 9th of August 1887, he wrote to the Collector saying that Thakár would revert on the 17th of August to the Nagar námlat and inquiring where he (Kelkar) would then be sent to. The Collector forwarded this letter to the Commissioner, noticing that Kelkar had been moved two or three times within the last twelve months. On the 17th of August Mr. Crawford wrote that Kelkar would be sent to Násik, and observed that Kelkar had not much to complain of as his transfers had resulted in his acting as a Deputy Collector. Accordingly, by an order of the 15th of August, gazetted the 25th of August 1887, Kelkar was posted to Násik. There he remained, until by an order of the 19th of December, gazetted the 22nd of December 1887, Kelkar was posted to Shevgaon, which under Resolution No. 7135 of the 10th of December 1887, was to be a mámlat to which a special salary was attached. Kelkar is still at Shevgaon.

Ex. GC.

Ex. GB. Second petition to Private Secretary. Ex. GA. Ex. GB.

Ex. GD. Appointed Deputy Collector at Nagar. Ex. 143. Ex GE. Confirmed in third grade.

Ex. GF.

Ex. Ev. Posted to Násik. Ex. FL. Transfer to Shevgaon.

Case for prosecution.

The case for the prosecution is that Hanmantráo, as Mr. Crawford's agent, threatened Kelkar and so induced him to pay Rs. 500 in March 1887, and Rs. 300 in January 1888.

Kelkar's story.

Kelkar's story is as follows :—

"On the 27th May 1886, I sent in an application to the Private Secretary to be put on the list of officers eligible for Deputy Collectorships.

Interview with Crawford.

"In October 1886, I was told to go to Sátára on audit duty. On my way there I came through Poona. In Poona I went to pay my respects to Mr. Crawford. He received me well, and then after a time he asked me what rank I held in the graded list. I said I had no list with me. He then opened the civil list and also the six-monthly statement of graded Mámlatdárs, and made remarks about each of the Mámlatdárs then above me in my grade. I was in the 4th grade. I sat silent. We were sitting in the verandah at that time. He then went in and returned after a time, and said 'You have got the most valuable tongue. You have been maligning me. I 'have received an anonymous petition to that effect. You have been complaining of 'being superseded by Mr. N. Joglekar's son.' The letter was not shown to me. I humbly said that the letter, being anonymous, must in the first place be considered untrustworthy. I said I had nothing to gain by maligning him and that Joglekar's son was appointed only as *sub. pro-tem.* 4th grade Mámlatdár; that I was pakka Mámlatdár, 4th grade, for 3½ years, and that this last fact alone would show the circumstances in the letter to be untrue and that the writer was a coward, as he had not signed his name. The letter must have been sent by an enemy of mine to prejudice him against me or to ruin me. Mr. Crawford then said nothing. I bid him goodbye and went away.

Goes to Sátára.

"I went to Sátára and remained there till the 24th December when I left it. I joined at Ráhuri on the 31st. Between the time of seeing Mr. Crawford and leaving Sátára, Deshpánde had been appointed 3rd grade Mámlatdár and Dani *sub. pro-tem.* 3rd grade. I regarded these two appointments as supersessions of myself. When I

left Sátára on 24th December I came to Poona on my way back to Ráhuri. I took my preparatory leave in Poona. In Poona I went to see Hanmantráo five or six days after I came here. I found that my appointment was gazetted as *sub. pro-tem.* 3rd grade Mámlatdár and I was transferred to Taloda in Khándesh (Exhibit FT). I went to Hanmantráo because I thought I ought to have stayed on at Ráhuri. Taloda was a very distant place and I feared further transfers. I had no objection to Taloda itself. I was to get there Rs. 25 extra as political allowance. I knew Hanmantráo before. He and I were at the Deccan College together. At the interview with Hanmantráo he chid me for not seeing him earlier. He said I should mind the time I was living in. I replied that he should pardon me for the little offence, and that as I had certain principles to follow I did not think it necessary to see him earlier. Further, I said I wanted no undue or illegal promotion by superseding others. I did not at the same time like degradation and persecution. He then again reminded me of the time and said 'You will have to pay something for that,' *i.e.* stopping persecution and degradation. I said I had no money. I would proceed to Taloda and if circumstances afterwards compelled me I would see. He then said 'You will have to yield after all.' Hanmantráo said, 'You will have to pay at least Rs. 500.' I went to Ráhuri, gave over charge and proceeded to Taloda by the 10th or 11th January 1887. By an order of 10th February 1887, I was ordered to do duty at Bhimthadi in Poona District. I left Taloda on the 1st March. On my way to Bhimthadi I went through Dhulia as it was on my road. There I found my transfer to Bhimthadi was cancelled. I heard this from the Collector, Mr. Loch, who told me to wait for further orders from the Commissioner. I waited there till I was appointed at Nagar.

Returning stays in Poona.

Interview with Hanmantráo.

Goes to Taloda.

"I took charge at Nagar early in March. Vináyak Deshmukh was treasurer there then. I saw him there. He made certain communications to me. This was within four or five days of my joining. Three or four days after that I went to Poona. I stayed there two or three days. I went to see Hanmantráo during my stay. He said it was not good on my part not to have yielded earlier as it was a short vacancy at Nagar and I would be again shunted from that place somewhere. He advised me like a wise man to yield instead of spending money in the expense of transfers. I had had to spend about Rs. 200 in the last three transfers. I yielded, and I paid Hanmantráo Rs. 500, and requested him not to persecute me for no fault of my own. This was all at one interview. I was prepared for it. I knew he would ask me and I would have to pay. The Rs. 500 were from my own savings. This payment was made about the middle of March. I made a second application to be put on the list of candidates for Deputy Collectorships. On the 13th June 1887, I was put in charge of the Huzúr Treasury at Nagar. On the 2nd July 1887, I was gazetted to act as Huzúr Deputy Collector, Ahmednagar.

Ex. FY.

Takes charg at Nagar an sees Hanmantráo in Poona.

Pays him Rs. 500.

Ex. FZ.

Exs. GB, G.C.

Ex. GD.

"By order of 18th July 1887, I was confirmed in the third grade. Mr. Hamilton returned to the Huzúr deputyship on the 7th August, and on the 8th I reverted to Nagar Táluka as Mámlatdár. Next day I wrote to the Collector. In the *Gazette* of 11th August I was temporarily transferred to Sásvad in Poona (Exhibit ES). That *Gazette* came before I got an answer to my letter of 9th. I was just sending my kit off to Sásvad. I was stopped by the Collector, who directed me to proceed to Násik (Exhibit EV). I remained at Násik till the 14th January 1888. I was then transferred to Shevgaon, one of the seven First Class Magistrates' tálukas (Exhibit EL). That was a substantive appointment. I am still there. After this *Gazette* appeared I received a communication from Vináyak Deshmukh. He wrote me a letter. I was at Násik when I received it. After that I had an interview with him. I passed through Nagar and he saw me there. This was about the 18th or 19th of January. I joined at Násik on the 21st. He called on me at my cousin's. In consequence of this interview I was forced to pay through another person, Mr. Nijsure, Rs. 300, as I had no cash with me. Mr. Nijsure is opium farmer's agent at Nagar. I have since repaid the sum of Rs. 300 to Nijsure."

Ex. GE.

Ex. GF.

Transere to Násik.

Posted to Shevgaon.

Pays Deshmukh Rs. 300

To confirm Kelkar's evidence two witnesses are called: Deshmukh, the Treasurer of Nagar, and Náráyanráo Nijsure, a servant of the opium contractor at Nagar. Their evidence relates only to the second payment of Rs. 300 in January 1888. Deshkmuh is an unreliable witness because he represents himself as habitually employed on the part of Hanmantráo as an agent of corruption. He says that he, while Kelkar was at Násik, wrote a letter under instructions from Hanmantráo demanding Rs. 300 on the ground that Kelkar had been appointed to Shevgaon. Deshmukh says that Kelkar wrote consenting to pay the money: that Kelkar came to see him in Nagar

Corroborative evidence

Deshmukh's evidence unreliable.

and told him to take the money from Náráyan Nijsure and pay it to Hanmantráo. He denies that he went to Kelkar, as Kelkar alleges, and forced him to pay the Rs. 300, and he says that Kelkar paid the money in order to prevent the cancellation of his appointment to Shevgaon. The story of this witness that he was constantly running up to Poona leaving his treasury key behind him, that no one paid him anything, not even his travelling expenses, for aiding in this bribery, and that he went to Hanmantráo and gave him the Rs. 300, receiving no reward for doing so, is incredible.

Nijsure's evidence not accepted. Ex. 327. Necessity for borrowing not shown.

We do not believe the evidence of the witness Nijsure. It appears from Kelkar's Savings Bank book that on the 18th of January 1888, he had Rs. 470 in the Savings Bank at Násik, that this amount was transferred to Shevgaon, an office which appears to be subordinate to the Ahmednagar office, and was credited there on the 20th of January. He drew no money from that account until 2nd March. The necessity, therefore, for borrowing money from Nijsure is not apparent. In itself the evidence of Nijsure is unsatisfactory. He took no receipt for the money and has no book or memorandum of account. He says that Kelkar has repaid the money, but only remembers the payment in February 1888, of one instalment of Rs. 100, which was, he says, left at his house without any letter in his absence. He gave no receipt.

Reasons for disbelieving Kelkar's evidence.

Kelkar's evidence is intended to show that he had reason to fear Mr. Crawford's displeasure, and that he was persecuted by supersessions, a transfer and threats of other transfers, and was therefore intimidated by Hanmantráo into paying the money. He tells a story about Mr. Crawford scolding him in October 1886, for having maligned Mr. Crawford and for complaining about the appointment of Joglekar. Mr. Crawford denies this and we believe him. The appointment of Joglekar to be a *sub. pro-tem.* Mámlatdár could not affect Kelkar's prospects as he himself admits, and if he were under any apprehension as to Mr, Crawford's displeasure, the appointment to Sátára and the promotion to *sub. pro-tem.* third grade would have reassured him.

No persecution.

In December 1886, Kelkar had no ground for going to Hanmantráo and saying that he did not like persecution or degradation. The appointment to Sátára was to Kelkar,s advantage and Pendse had got him appointed there. Mr. Crawford had taken care of his interest, by transferring him on the completion of his audit duty to Taloda and by promoting him, and of the two alleged supersessions of which Kelkar complains, one was not gazetted until February 1887, and the other man promoted was Kelkar's senior.

As to Kelkar's subsequent transfers, his transfer to Bhimthadi was made, Mr Crawford says, because the Collector wanted a first class Magistrate there. In his letter to Mr. Monteath of the 5th May 1887, Mr. Crawford says that Kelkar asked not to be posted to the Poona District as he had friends and relatives there. Kelkar admits that this is true. Then the vacancy occurred at Nagar in consequence of Thakár's being sent to act as Deputy Collector of Sholápur, and Nagar being an important place Kelkar was sent there as Mámlatdár. After joining at Nagar in March 1887, Kelkar says he went to Poona, and as he had had to spend about Rs. 200 in the last three transfers he yielded to Hanmantráo's intimidation, paid him Rs. 500 and requested Hanmantráo not to persecute him. We cannot accept this story. He had not been persecuted, but, on the contrary, had been promoted and his interests well looked after. He had, as he himself admits, asked Mr. Crawford personally not to send him to the Poona District and his request had been complied with. He had seen Mr. Crawford at Dhulia, and Mr. Crawford said he was sorry to detain him then and told him to wait two or three days. He was next day appointed to Nagar. He had been able to see Mr. Crawford, to make his wishes known to him personally, and his requests had been attended to. He had not been superseded or unduly transferred, and yet he pretends that in consequence of a communication from Deshmukh he had to go to Poona to see Hanmantráo, and that he was frightened by Hanmantráo into paying him Rs. 500. The persecution which according to his account induced him to pay this money consisted in his being sent on special duty, appointed to a post to which extra salary was attached, promoted in his grade and transferred to the important station of Nagar, a transfer which resulted in his being made an acting Deputy Collector.

No reason for payment of Rs. 300.

With regard to the payment of Rs. 300 to Deshmukh in January 1888, it is impossible to see why Kelkar should have made it. He had been confirmed in the third grade and had been appointed to Shevgaon, and considering the whole of his history he had no ground for fearing that Hanmantráo could effect his prospects or promotion.

There is nothing to connect Mr. Crawford with the payment of the money which Kelkar says he paid to Hanmantráo and Deshmukh. Payment not connected with Crawford.

There is nothing in Mr. Crawford's orders to justify suspicion. The fact that on the 27th of June 1886, Mr. Crawford did not think Kelkar was fit for a Deputy Collectorship, and that on the 5th of May 1887, Mr. Crawford strongly supported Kelkar's application to be placed on the list of Deputy Collectors, does not tend to show that Mr. Crawford had changed his opinion in consequence of the payment of a bribe. There is an interval of nearly a year between the two letters. Crawford's orders.

We are of opinion that Mr. Crawford is not guilty of this charge. Conclusion.

Vinze's Case.

The charge is "that you, by your agent Hanmantráo Rághavendra, in or about the month of April 1887, corruptly received the sum of Rs. 1,000 from Rámchandra Krishna Vinze, acting Mámlatdar of Igatpuri in the Násik District (then suspended), as an inducement to favour the said Rámchandra Krishna Vinze in your official capacity of Commissioner, Central Division." Charge.

Vinze passed the H. S. in October 1881, and from 1883 was Chitnis to the Collector of Násik. He had applied for a probationary mámlat, as appears from a return in the Commissioner's office. The Collector remarked that he "felt sure that when his turn comes the applicant's case will meet with due attention," and the Commissioner's pencil order was, "Send up when there is a vacancy with other applications." On the 26th September 1886, when Khásnavis, then Mámlatdár of Niphád, was appointed to audit the accounts of the Poona District, Mr. Crawford of his own motion authorized the appointment of Vinze to act for him. In January 1887, L. M. Deshpánde, Mámlatdár of Násik, was appointed to act as native assistant to the Commissioner *vice* B. G. Sáthe, who had taken one month's privilege leave, and Vinze was brought in by the Collector, Mr. Woodward, to act as Mámlatdár at Násik during Deshpánde's absence. Mr. Crawford directed that as it was uncertain how long Deshpánde might be attached to the Commissioner's office the head Kárkun of Násik should remain in charge of that mámlat till further orders, but on Mr. Woodward's representing that Vinze had already taken charge and that the head Kárkun was not qualified he approved of the arrangement in an order of the 21st of January 1887, endorsed on the Collector's letter. On the 10th of February, 1887, Vinze was appointed to act as Mámlatdár of Málsiras in Sholápur during the absence on leave of the permanent incumbent, and on the 14th of April he was appointed to act as Mámlatdár of Igatpuri in the Násik District to fill a vacancy there caused by the services of M. D. Kumtekar having been placed at the disposal of the Poona City Municipality for employment as their Secretary. This vacancy was expected to last for two years. Vinze's service. Ex. 178. Ex. HU. Ex. FU. Ex. CD. Ex. CD. (*a*) Ex. CD. (*b*) Ex. CE.

In the month of March, after Vinze had gone to Málsiras, a petition was presented to the Collector complaining of the conduct of Vinze on the occasion of his visit to a place called Trimbak in the Násik Táluka, in the beginning of February, to collect money for the jubilee festivities that were to take place on the 16th of that month, and a report was called for by Government on allegations to the same effect published in a native newspaper. An inquiry into these complaints and allegations was held by Mr. Fraser, Assistant Collector, whose report on them to the Collector is dated the 16th of April. On 20th of April this report was forwarded by the Collector, who expressing an unfavourable opinion of the Mámlatdár's conduct satisfied himself with recommending that he should be transferred to another district. On Sunday the 24th of April, Mr. Crawford, who had apparently received the report with a recommendation of Pendse's, wrote that he took a more serious view of Vinze's conduct than Pendse did, and directed the despatch of a telegram the same day, Sunday the 24th, suspending Vinze. The telegram, as it seems, did not go off till the following day, the 25th. In an official letter of the 24th, Mr. Crawford, in acknowledging the reports respecting Vinze's conduct, called for all papers, vernacular or otherwise, connected with both cases, and stated that the English Reports and the Mámlatdár's explanation as quoted by the Collector convinced him that Vinze must not remain an hour longer in charge of the mámlat. He added that it was yet to be seen whether Vinze should revert to the responsible post of Chitnis or not, and that he took a much more serious view of his conduct than the Collector apparently did. An order of the Commissioner bearing the same date, 24th April, and published in the *Gazette* of the 28th idem, cancelled Vinze's appointment to Igatpuri, and sent there the man who had succeeded him at Málsiras. On the 2nd of May 1887, Vinze presented to the Collector at Igatpuri a further explanation of his conduct, which was forwarded to the Commis- Vinze's suspension. Ex. CG. Ex. CH. Ex. CI. Ex. CJ. Ex. CK. Ex. CL. Ex. CM. Ex. CN. Ex. CF. Ex. CO.

sioner under an official letter from the same place on the following day, by the Acting Collector, who in his last paragraph stated that for reasons therein given he had not forwarded the papers of one case in which the conduct of the Mámlatdár had been called in question. The Commissioner telegraphed for these, and they were forwarded to him under a letter dated Igatpuri, 11th of May. On the 16th of May, at the Commissioner's house Vinze had an interview with Mr. Crawford, and by his direction recorded an explanation of his conduct with regard to the case just mentioned, and on the next day Mr. Crawford reported on the whole case to Government. The report is said to have been written at Bombay, and on the 18th Mr. Crawford, in sending the draft, wrote as follows to Pendse:—

Ex. CQ.

Ex. CR.

Ex. CS.

Ex. CT.

"I have had the F. C. of this made by Mr. Barjorji and it has been delivered at the Secretariat. Please note that it is *confidential*, but there is no harm in your telling Mr. Vinze the substance of what I have written. The papers ought for *his* sake specially, to be kept confidential. My own belief is that if he convicts his libellers, nothing but indiscretion and overzeal will remain against him."

Orders of Government on Vinze's case.

On this report Government issued the following resolution of the 6th of June 1887:—

"The Governor in Council concurs with the District Magistrate and the Commissioner, C. D., in thinking that in the trial of the municipal case at Trimbak Mr. Vinze used his magisterial authority in a most reckless manner, that he tried the case in an undignified way, and evidently lost proper control over his temper. There seems no doubt that Mr. Vinze put great pressure on the people of Trimbak in order to get money out of them for the jubilee. He has hitherto borne the highest character and is stated to be first for a mámlat, but Government consider that as a punishment for his want of judgment and his high-handed conduct his appointment as Mámlatdár should be postponed for one year."

Case for the prosecution.

The case for the prosecution is that Mr. Crawford through Hanmantráo received a bribe of Rs. 1,000 in April 1887 and it is suggested that in consequence he made a more favourable report to Government on the conduct of Vinze than he would otherwise have done. Vinze in his examination-in-chief gives the following account of the transaction:—

Vinze's story.

"I left Málsiras for Igatpuri, I believe, on the 18th April. By the *Gazette* of 14th April I had been appointed to act at Igatpuri.

"I never joined at Igatpuri. The contents of the telegram were communicated to me by the Collector. I remained one day at Násik and then left. I came to Poona. It was about the 27th or 28th April, but I am not sure as to the date. I put up in Poona at Pendse's. I brought with me to Poona notes of the value of Rs. 1,000. I brought them in order to give them to Mr. Crawford. I had received a message from Kalavde, and in consequence of the information contained in it I brought the money. I knew Pendse. I formed his acquaintance at Taloda, Khándesh district, when he was Mámlatdár and I was kárkún under him. The notes were in my bag. I told Mr. Pendse that my bag contained some valuables and I asked him to give orders that my bag should be kept in his room. He asked me what the valuables were, and I said they were notes of the value of Rs. 1,000. I kept my bag in his room. While in Poona I went and saw Kalavde. He was then Mámlatdár of Haveli. I saw him several times—five or six times, perhaps more. As a result of my conversations with Kalavde, I handed over Rs. 1,000 to him a few days after my interviews with him. I paid the money at Kalavde's house. Then Kalavde took me to Hanmantráo's house. There we saw Hanmantráo. Beside Hanmantráo, Kalavde and I, no one else was present. Hanmantráo addressing me said, 'You are a 'fool, an ass; you have brought this all on yourself: if you had acted as every-'body has been acting you would not have fallen into this trouble. If you had 'sent Rs. 500, as was suggested to you by Kalavde in his letter, you would have 'continued as Mámlatdár of Igatpuri. You depended on the assistance of Mr. Wood-'ward, and here are the fruits of it.' I felt very bad and cried. I folded my hands and laid myself down at his feet and begged his pardon. Hanmantráo demanded Rs. 2,000. I begged of him, entreated him, asked his pardon, pleaded poverty, and the matter was settled for Rs. 1,000. Kalavde handed over the notes to Hanmantráo. Hanmantráo then said he would take me to Mr. Crawford. This was all that took place at this interview. This interview was at about 8 or 9 P.M. After this, on the second or third day in the morning, I went to Hanmantráo's house, where I got into his shigrám with him and we went towards Kirkee towards Mr. Crawford's bungalow. On the opposite side of the road to Mr. Crawford's bungalow there was an empty

bungalow and the shigrám was driven into its compound and stopped there. Hanmantráo went before me, telling me to follow him after a short time to the Sáheb's bungalow, and he asked me to sit down near the fountain near the poultry house by Mr. Crawford's bungalow. I remained sitting there and gave my card to a patáwála and asked him to give it to the Sáheb. The sepoy told me he would give the card to the Sáheb when he came out into the veranhah. He had no orders to go into the bungalow to deliver cards. Ultimately I saw the Sáheb. He came out on the verandah and the card was given to him.

"I saw Mr. Crawford on the verandah of his bungalow. He asked me to state briefly what took place at Násik with regard to the Jubilee subscription. I stated to him what took place there." [The witness gave the details which we need not repeat.] "The Sáheb then said to me that he had seen the papers in my case, and the explanation I had just given to him did not appear anywhere in those papers. The Sáheb then said to me he would return the papers in my case to Mr. Frost for taking an explanation from me. He said I was to go to Mr. Frost and make my explanation to him. I left the bungalow and returned to the shigrám, and waited there a short time for Hanmatráo. When he came, we both got into the shigrám and returned to the native town. I then went to Igatpuri and submitted my explanation to Mr. Frost. After making my explanation to Mr. Frost I came to Poona. I cannot fix the date. It was a day or two after I made my explanation.

"In Poona I went to Hanmantráo and asked him what was to be done. He said the papers were sent for and I should wait. I saw Hanmantráo again after that. I went with him to Mr. Crawford's bungalow. I did not see Mr. Crawford this time. I went again another day about two or four days after. Hanmantráo was with me. I went in his shigrám. On this occasion, too, the shigrám went to the vacant bungalow. We got out of the shigrám. Hanmantráo went before me. I followed him and gave my card. The Sáheb came out afterwards on the verandah. Hanmantráo left before I saw Mr. Crawford. I went into a room in the bungalow which looked like an office-room. The Sáheb took me into it. He sat down, and I sat down in front of him. He put me some questions which I answered. The questions and answers were taken down in writing.

"I had mentioned to Hanmantráo that, although I had given him money, I had not come to know what had been done in my business. What was there to satisfy me that the money was paid to the Sáheb, Mr. Crawford? Hanmantráo in reply told me that he and I would be going to the Sáheb, and that in the course of conversation between me and the Sáheb, the Sáheb would say this to me, 'Your good I have at my heart,' or some such words. After writing my answers to the questions put to me at this interview, I had some conversation with Mr. Crawford. I told him I had been under his Assistant Commissioner, Mr. Pendse, for about a year or eighteen months. I requested Mr. Crawford to ask Mr. Pendse about my conduct. I also stated to him I had been under his son. I asked him to inquire about my conduct, and in the conversation which followed I marked the particular words about which Hanmantráo had spoken to me. Before I left, Mr. Crawford informed me that he would make a report, and Pendse would let me know about it. I then left. I was staying with Pendse. After I left Mr. Crawford, I met Hanmantráo and told him the Sáheb had spoken in the particular way he had already mentioned to me.

"I took up my appointment as Chitnis after the decision of Government. I told Pendse at the time that I had given the Rs. 1,000. When I brought the money and asked him to keep it in his room, he asked me what the money was for. I said, 'This is all great oppression. Any one is brought into trouble and money is extracted out of him. I am on the point of losing my appointment. What can I do? Pendse said he could not help it. He told me to do as I liked. When I paid the money, I had to take it from his room. I told him then I was going to pay the money. When I returned after paying the money, I told him briefly what had taken place. I had a balance with me, savings of my pay, Rs. 1,000. This money was with me in my house in my box. Some of it was in notes, some in cash. Hanmantráo had said to me if I had paid Rs. 500 when suggested to me by Kalavde, all this would not have happened to me. Kalavde had written me a letter at Málsiras. This letter was destroyed as Kalavde wrote and told me to destroy it. In it he asked me to send 500 betelnut leaves and to destroy the letter."

Corroborative evidence

The only witness in support of this story is Pendse, who says that, during Vinze's visit to Poona in April, Vinze left his bag containing notes of the value of Rs. 1,000 in Pendse's room, informing him at the same time what was in the bag and the purpose

for which he had brought the money. Pendse also states that the bag with the money in it remained in his room for ten or twelve days.

rawford's vidence.

Mr. Crawford's evidence on the charge is as follows:—

"I first to my knowledge saw Vinze with reference to my having suspended him. He came to see me at my bungalow at Kirkee. He came alone. The whole account as given by him on pages 95 and 96 is substantially correct. I told him as a matter of course to go and make his explanation to Mr. Frost. It is absolutely untrue that Hanmantráo remained behind after he left. The date was that given on the written explanation I took from him. It is absolutely untrue he came with Hanmantráo and Hanmantráo saw me before he did. I handed him the papers in the Dikshit case. I wrote the first few lines in Exhibit CR and then handed him the paper to write his own explanation. He then wrote the explanation, which is there. It is in his handwriting. While he was writing it I went on with other work. When he had finished he handed it to me to read, and I read it through. I then wrote the question which appears near the end and he wrote the answer to it. I read his reply when he had written it. I said to him, 'You can go now, you will get orders in due course,' or words to that effect. I certainly did not say to Vinze at that interview, 'Your good I have at my heart,' or any other words agreed upon between me and Hanmantráo to show I was really to receive money. I went down to Bombay the same night, the 16th May. My letter Exhibit CS was written in the Secretariat, Bombay. It was fair copied by my confidential clerk, Barjorji Pocháji. He is the Portuguese Treaty clerk. He was in Bombay. The letter N. was put as the office was not with me and I had no serial number. The next day I wrote Exhibit CT to Pendse, telling him he might inform Vinze about it. I thought it fair the man should know, and I knew Pendse was very much interested in him. Pendse had written a draft report about the case which I had disapproved of. Pendse was then in Poona. I wrote the letter at the Secretariat and sent it to Pendse. The report I sent to Government I think scrupulously fair and honest. I have never received Rs. 1,000 through Hanmantráo or any other person or inducement to favour Vinze. His case has never formed the subject of conversation between me and Hanmantráo. I have no reason to suppose that Vinze knew Hanmantráo. I never authorised Hanmantráo or Kalavde to make any suggestion to Vinze that he should pay money for an appointment. Any conversations which may have passed between Vinze, Hanmantráo and Kalavde were entirely without my consent."

In cross-examination he said:—

"When the papers came up about Vinze, Pendse wrote a draft report. It is not the custom of the office that he should do so on a matter of that importance. I thought he was taking a little too much on himself. I did not rebuke him for taking too much on himself. It was not a serious matter."

alue of idence.

Vinze is a man who confesses to having come to volunteer a bribe, and as to the value of Pendse's evidence we have already expressed our opinion. Vinze in his evidence in chief stated that when at Násik in January 1887, he was under the impression that he had been superseded, the suggestion being that this influenced his subsequent conduct in this matter; and in cross-examination he enumerated the names of ten men who had so superseded him, but with respect to nine of these he was forced to admit that they had either been appointed to acting or *sub. pro-tem.* mámlats in Mr. Robertson's time, or by Mr. Crawford to short acting vacancies which, as we have shown in an earlier stage of this report, never were made by seniority, or that the appointments complained of had been made after the date named by him. On the other hand, it has been pointed out above that Mr. Crawford gave Vinze his first acting appointment in September 1886, six months after he joined the division, and continued him in acting appointments, the last of which would probably have lasted for two years, but for the discovery of his previous misconduct. The suggestion as to oppressive treatment of Vinze by Mr. Crawford is altogether unfounded.

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As to the suspension, the circumstances which led to it were as follows. In the beginning of February 1887, Vinze, then acting Mámlatdár of Násik, visited Trimbak, a town and place of pilgrimage within his jurisdiction, and when there held a meeting of the inhabitants to raise subscriptions to defray the cost of festivities on the occasion of Her Majesty's Jubilee. At this meeting the names of the residents were put down, not always, it appears, by themselves, for different sums, and next day the sums were as far as possible collected. As might be expected, the work of collection did not run

smoothly, many persons objecting to pay the amount at which the Mámlatdár or their neighbours had assessed them, and considerable pressure was found to have been used. During the proceedings the Mámlatdár as local Magistrate disposed of two criminal cases, in one of which he tried, convicted and fined Rs. 10 for depositing filth in gutters a man who had objected to pay the subscription to the Jubilee fund demanded by the Mámlatdár. In another case the person convicted, who had been tried at the Mámlatdár's house at 11 p.m. and fined Rs. 18, asserted that the conviction was on a false charge instigated by the Mámlatdár because he would pay only Rs. 2 out of Rs. 5 demanded from him. The Assistant Collector, Mr. Fraser, who inquired into the allegations against Vinze, reported on the 16th of April that the subscriptions for the Jubilee expenses had been arbitrarily assessed and arbitrarily collected, and that the charges of oppression in collecting them were not absolutely false. "Taking," he added, "the most favourable view of the case, he (the Mámlatdár) must be held to "have entirely missed the happy combination of official encouragement and popular "action attained on the occasion of the Jubilee in some municipalities, and to have "committed a most serious error of judgment"; while as regards the two criminal cases above referred to, the conduct of the first and the selection of the accused, assuming the Magistrate's proceedings to have been pure in motive, were in Mr. Fraser's opinion injudicious, and as to the second, the conviction in which had been reversed in appeal, that officer thought that there were no grounds for the imputation made against the magistrate and suggested that it would be well to allow the Mámlatdár to prosecute the petitioner for defamation. Ex. CI.

In sending on this case the Acting Collector, Mr. Frost, expressed his opinion in a letter of the 20th of April, to the Commissioner that the Mámlatdár did exercise undue pressure which under the circumstances was partly excusable, the money being spent in the town and there being no suspicion of misappropriation. As regards the second of the two criminal cases, he thought that the imputation against the magistrate was libellous, but that it was not advisable that the Magistrate should prosecute his libeller; and as to the first case, he considered that the Mámlatdár used his authority in the most reckless manner, that it was very discreditable and lent colour to the complaint which would otherwise not have appeared very serious, and showed that the Mámlatdár had lost control of his temper. The circumstances were, however, he said, trying, and Vinze had had no experience as Mámlatdár. This is not quite accurate as he had been acting Mámlatdár for five months. In connection with this case Mr. Frost called attention to what he considered another case of neglect of duty of Vinze while acting Mámlatdár at Nasik, but this was not considered by the Commissioner or Government of any importance and need not to be dwelt upon. Mr. Frost's recommendation was that Vinze should be transferred to a mámlat more easy to manage than Igatpuri and in another district than Násik in which he had been holding the appointment of Chitnis for some years. This report reached the Commissioner's office probably on the 21st or 22nd of April, and Pendse, as we have heard from himself and from Mr. Crawford, prepared on it a draft report for the approval of the Commissioner, taking a favourable view of Vinze's conduct. It came before Mr. Crawford on the 24th, and he wrote to Pendse the same day as follows:— Ex. CJ. Ex. CK.

"You will see that I take a much more serious view of Vinze's conduct than even you do. Please send telegram to-day."

A telegram was sent accordingly next day and also an official letter in which papers were called for, and Mr. Crawford wrote:—

"The English reports and the Mámlatdár's explanation as quoted by you are sufficient to convince me that Azam R. K. Vinze must not remain an hour longer in charge of the mámlat. Whether he should ever revert to the responsible post of Chitnis or not has yet to be seen. You will observe that I take a much more serious view of his conduct than you apparently do. I have suspended him by telegraphic orders. Copies annexed.

"The Aval-kárkun, Mr. Sahasrabudhe, will retain acting charge of the mámlat until such time as he is relieved by Khán Sáheb Hiráji, who will not be relieved at Málsiras till 30th instant."

Immediately on Vinze's final explanation being taken the case was submitted to Government in a report in which no inaccuracy has been shown and which was on the whole unfavourable to Vinze. The material parts of it are as follows:—

"I shall be surprised if Government do not, like myself, regard this as the most serious of all the charges. On appeal the District Magistrate, Mr. Woodward, quashed

the conviction, observing, 'It is difficult to see how the Magistrate arrived at a conviction on the evidence, while if the vakil for the appellant is truthfully instructed, the Magistrate's proceedings, begun in the evening and lasting till late at night, were of a very irregular character.'

"These strong expressions have been followed by a direct accusation imputing to the Magistrate, Mr. Vinze, improper motives in getting up the case, and trying it as he did. Mr. Vinze has had as yet no suitable opportunity of vindicating himself, and he is anxious to do so and to prosecute his libellers. I can see no reason why such prosecution should be undesirable as Mr. Frost suggests: very much the contrary. If Mr. Vinze succeeds in this particular and serious case, he will, I believe, materially tone down the blame imputable to him.

"It is right that I should inform Government that Mr. Vinze has up to this time borne the highest character and earned the confidence of all his official superiors. He stands by seniority first on the list of officers who have passed the Higher Standard Examination and are qualified for a mámlat. Mr. Vinze on his explanation to Mr. Fraser lays much stress on the notorious enmity roused by the Bhats and Bhikshuks of Násik and Trimbak against them, and all those municipal commissioners and others who took an active part in the imposition of the pilgrim-tax, and it is but fair to him to state that such bitter hostility does exist and that it has, in all probability, had a strong effect on these inquiries: the more reason I think that Mr. Vinze should prosecute his accusers in the third case.

"If Government concur with me, I would suggest that Mr. Davidson, First Assistant Collector in charge of the Málegaon sub-division, who has had no part on these inquiries and for some time no connection with Násik and the pilgrim-tax, would be a proper officer to try the case.

"Soliciting early orders, pending which Mr. Vinze remains under suspension."

The Government concurred with the District Magistrate and the Commissioner that in the trial of the municipal case at Trimbak, Vinze had used his magisterial authority in a most reckless manner, that he tried the case in an undignified way, and evidently lost proper control of his temper. Government also found that the Mámlatdár had put great pressure on the people of Trimbak in order to get money out of them for the Jubilee, and considered that notwithstanding the high character previously borne by him and his position in the list of mámlats his want of judgment and high-handed conduct required that his appointment to a mámlat should be postponed for a year. We consider that Mr. Crawford's dealings with Vinze in this matter lend no support whatever to the suggestion that they were the result of corruption, and that a report which brought about the reversion of Vinze to his post of Chitnis for at least one year is not likely to have been written as consideration for a bribe of Rs. 1,000.

Story inconsistent with dates of contemporary documents.

The dates of the several steps taken in the case, as shown by the official records, are inconsistent with the story as told by Vinze. Vinze says he came to Poona after hearing of his suspension on the 27th or 28th of April. His first proceeding was to make over his bag to Pendse. He then had several interviews with Kalavde—five or six, perhaps more. A few days after these interviews he handed over the Rs. 1,000 to him and they went and paid it to Hanmantráo, and on the second or third day after this Hanmantráo took him to Mr. Crawford's bungalow. These successive interviews with Pendse, Kalavde and Hanmantráo and the intervals between them, must, according to the witness, have spread over a considerable time. Pendse says the bag containing notes remained with him ten or twelve days; but it is clear from the documents that the order for Vinze's suspension did not leave Poona till the 25th, and assuming that he heard of it at Násik and came to Poona on the earliest date mentioned by him, viz., the 27th, he could have been in Poona at the longest for four clear days, as he was back at Igatpuri and gave in a long written explanation there on the 2nd of May. Násik is twelve and Igatpuri nine hours' railway journey from Poona. Further, the whole story is denied by Kalavde.

We are of opinion that Mr. Crawford is not guilty of this charge.

Nagarkar's Case.

Charge.

The charge is "that you, by your agent Hanmantráo Rághavendra, in or about the month of May 1887, corruptly received the sum of Rs. 500 from one Váman Dáji Nagarkar, Mámlatdár of Mával in the Poona District, and again in or about the month of December 1887, by the same agent, corruptly received the further sum of Rs. 500 from the said Váman Dáji Nagarkar, as inducement to show favour to the said Váman Dáji Nagarkar in your official capacity of Commissioner, Central Division."

Nagarkar is a L.C.E. of the Bombay University. He was appointed a probationary Mámlatdár by Mr. Robertson on the 24th of June 1885, and on the 1st of April 1886 he was No. 20 in the list of fourth grade Mámlatdárs and was stationed at Chándor. By an order dated the 14th of March, and gazetted the 24th of March 1887, he was transferred to Mával in the Poona District. He had then been for about three years at Chándor. He left Chándor on the 21st of April and took charge of Mával Táluka on the 29th of April 1887. The head-quarters of the Mával Táluka were then at Khadkála, an unhealthy place. Nagarkar did not like the transfer, and he says that early in May he got fever and went into Poona. On the 16th of May 1887 Mr. Crawford wrote to the Collector of Poona informing him that he had written to the Government regarding the Mámlatdár's kacheri at Khadkála, and requesting him to instruct the Mámlatdár to hold his office from the earliest possible date at Vadgaon. By an order of the 23rd of May, gazetted the 2nd of June 1887, Nagarkar was appointed to be *sub. pro-tem.* third grade Mámlatdár. By an order dated the 20th December 1887, and gazetted the 29th of December 1887, he was confirmed in the third grade. On the 28th of April 1888 Mr. Keyser, Collector of Poona, wrote to Mr. Crawford reporting unfavourably of Nagarkar, and recommending that he should be transferred to some distance from Poona, where his family lived, to Sirur or Indápur or to another Collectorate. To this Mr. Crawford on the 30th of April replied that he noticed with regret Mr. Keyser's comments on Nagarkar, and that Nagarkar should be moved when a suitable opportunity offered. On the 3rd June 1888 Mr. Keyser wrote again to Mr. Crawford asking what action he proposed taking with regard to Nagarkar's transfer. To this Mr. Crawford replied on the 4th of June, directing the Collector's attention to his previous letter, and saying that a suitable opportunity of transferring Nagarkar would, he believed, occur very shortly. Mr. Keyser in answer wrote that he had not overlooked Mr. Crawford's former letter, but thought, as action had been so long deferred, that the matter had escaped Mr. Crawford's memory or that the recommendation for Nagarkar's transfer coming from Mr. Keyser carried no weight. By an order of the 11th of June, gazetted the 14th of June 1888, Nagarkar was transferred to Indápur, and Rámchandra Bábáji, the Mámlatdár of Indápur, was transferred to Mával. In a letter dated the 19th of June 1888 Mr. Keyser objected to the latter transfer as Bábáji did not know English. Mr. Crawford thereupon sent Nagarkar to Mádha in the Sholápur District, and Náráyan Phulmandikar from Mádha to Mával.

Nagarkar's services.

Ex. FJ.

Transfer to Mával.

Ex. FQ.

Promoted.

Ex. EY.

Ex. 136.

Collector applies for his transfer.

Ex. 137.

Ex. 138.

Transfer to Mádha.

Ex. 139.

Meantime on the 11th of June 1888 Mr. Keyser wrote to the Secretary to Government commenting unfavourably on Nagarkar's proceedings as a Magistrate, and recommending that his powers should be reduced to those of a Magistrate of the second class. Mr. Keyser went on to say that as a Mámlatdár Nagarkar was so negligent of his duty that he (Mr. Keyser) had recommended his transfer to a táluka at a distance from Poona; that this recommendation had been made two months ago, and that the Commissioner had, Mr. Keyser believed, the recommendation under consideration. This letter was apparently submitted to Government through the Commissioner as Mr. Crawford forwarded it with his letter dated June 22nd, 1888, pointing out that Nagarkar had been transferred on the 11th of June, forty-one days, and not two months, after the receipt of Mr. Keyser's recommendation. Nagarkar did not at once go to Mádha, but took three months' leave and remained in Poona until October. He joined at Mádha on the 8th or 9th of October, and Mr. Keyser's report against him has not yet, as far as we are aware, been disposed of by Government.

Ex. 140.

Correspondence regarding his conduct.

Ex. 141.

The case for the prosecution is that in order to obtain a transfer from Mával, Nagarkar paid in the month of May 1887 the sum of Rs. 500 to Hanmantráo as Mr. Crawford's agent; that on the 23rd of May 1887 Nagarkar was made *sub. pro-tem.* 3rd grade; that in December 1887 Nagarkar paid Rs. 500 to Hammantráo as Mr. Crawford's agent, in order that he (Nagarkar) might be confirmed in the third grade; and that on the 20th of December 1887 Nagarkar was made substantive third grade.

Case for prosecution.

Nagarkar's story is as follows:—

Nagakar's story.

"I served first as probationary in Chándor in the Násik District. I was there till 21st April 1887. I gave up charge of Chándor on that date and took charge at Mával on the 29th April. The first intimation I got of my transfer was the notification in the *Government Gazette.* Khadkála was then the head-quarters of the táluka. It is on the railway about 29 miles from Poona. My transfer to Mával was not pleasing to me. Khadkála was reputed to be a place of very bad climate. At Khadkála I fell ill about a week after joining there. I got intermittent fever. After I fell ill I came to Poona. I called on Mr. Hanmantráo, who was a college acquaintance of mine. In

Transfer to Mával.

Interview with Hanmantráo.

consequence of what I had heard I went to see Mr. Hanmantráo. I asked him if he would try for me for a change, the climate was not agreeable to my health. He told me Commissioner was in great difficulty for money and if I advanced him some I might succeed, if not he was afraid he would send me to a still worse climate. I pleaded my college acquaintance and told him he should do what he could in the matter for me. He said there was no hurry. The Commissioner was in need of money and if I advanced him some I might succeed. He suggested to me the paltry sum of Rs. 500. The word paltry is my own description. I found if there was no alternative I might advance him the sum. I said this to him. Then I returned home to my house in Budhwár Peth, Poona. The house is a family house. My father is Professor Nagarkar of the College of Science.

" From my house in Budhwár Peth I returned to Khadkála. It was then about the first week in May. In a day or two I went again to Poona with notes for Rs. 500. In Poona I saw Mr. Hanmantráo again. I saw him at his house. I asked him if he had succeeded in getting me transferred. He said if the sum were advanced he might succeed as there was no other alternative. As I found I was very ill I advanced him the sum. I gave Hanmantráo the money. I considered it as a loan, not a gift. I did not take any writing from him at that time, nor did I make any arrangement for payment. I returned to my táluka the same day. I got the Rs. 500 I paid to Hanmantráo from my own savings. I saw Hanmantráo again after a week or so at Poona. I asked him what arrangements he had made for my transfer. He said when an opportunity occurred he would avail himself of it and transfer me. The head-quarters of my táluka were moved from Khadkála to Vadgaon on the 31st May or 1st June. The order for removal came a few days previously. Between the third visit to Hanmantráo and the move to Vadgaon I do not think I saw Hanmantráo. By an order of 23rd May 1887 I was gazetted *sub. pro-tem.* third grade.

Pays Hanmantráo Rs. 500.

" After my promotion I saw Hanmantráo in Poona. I asked him what he had done by my transfer. He told me to try the climate of Vadgaon, and if it did not suit me he would arrange for my transfer. He said in the meantime he had given me a *sub. pro-tem.* third grade appointment. This interview was within a week of my promotion. I found Vadgaon better than Khadkála. I did not then press for a transfer. Between June and December I saw Hanmantráo two or three times. In December 1887 I saw him. He told me he wanted a further advance of a certain sum. I told him he should not bother me now and then for sums. He told me the Commissioner wanted the money urgently, and that if I did not pay he would have to screw it out some way or other. I told him there was no money with me then. He said in return if I did not pay any sum I should be degraded, and he was not sure what would happen afterwards. He would have to take the money from somebody else if I would not pay it. He then pressed me for money so much that I could not with decency say no. The sum of Rs. 500 was mentioned. He said also some arrangements were to be made by the end of December. He would see then if he could help me. After this interview I returned to Vadgaon the same day or the next day. Then I took a certain sum with me from Vadgaon and returned to Poona again. This was, I think, within the week. The sum I took with me was about Rs. 400. I took from my undivided brother Raghunáth's box in Poona a sum sufficient to make up Rs. 500. My brother was in Poona at the time I think. I had not spoken to him before I went to see his box and took his money. He had left the key of the box with me as he was in hot haste to go to Madras. He had left the key with me some four or five days before I took out the money. He had not gone to Madras when I took the money. I cannot fix the date. My brother was going to Madras for the National Congress. I went to Hanmantráo's house and advanced to him the Rs. 500. I told my brother about taking the money, I think, after his return from Madras. In December 1887 I was confirmed in the third grade (Exhibit EY). I was not surprised to be confirmed. Hanmantráo had told me he would assist me in the December arrangements. I thought that might have been the result."

Subsequent interviews with Hanmantráo.

Pays Hanmantráo Rs. 500.

Corroborative evidence.

By way of corroborating Váman Dáji we have the evidence of his elder and undivided brother Raghunáth Dáji, a pleader. He says that he kept money, part of his own earnings, in a box in his office room, and that between the 20th and 23rd of December 1887, as he was going to the National Congress at Madras, he left the key of this box with Vamán Dáji. On his return to Poona in the first week of January 1888 he found that about one hundred rupees had been taken from his box. On inquiry Váman Dáji told him that he had taken about Rs. 100 in order to pay Rs. 500 to Hanmantráo, who had pressed him very hard for money. This evidence, which

shows that Váman Dáji took Rs. 100 of his brother's money, does not strengthen Váman Daji's evidence. It appears that at the time Váman Dáji had Rs. 600 of his own in the Savings Bank at Poona, and had no need to take his brother's money. There is no evidence to confirm the story of the payment of the Rs. 500 to Hanmantráo in May. Ex. 328.

With regard to the transfer and promotions of Nagarkar, Mr. Crawford's action gives rise to no suspicion. Nagarkar had been for about three years at Chándor. His transfer from that place was proper, and as an English-speaking Mámlatdár was required at Mával, he was a natural person to send there. No doubt Nagarkar was promoted to the third grade before several men who were senior to him in the fourth grade, but there was nothing remarkable in this. There is nothing in this case, therefore, to connect Mr. Crawford with the bribes which are said to have been paid to Hanmantráo.

We cannot accept Nagarkar's story of the payment of these bribes. The first sum of Rs. 500 was paid according to his account about the 8th of May, and was paid because he was very ill and was told by Hanmantráo that he could not get transferred unless he advanced the money. Now Nagarkar joined at Mával on the 29th of April, and he admits in cross-examination that before he even went to see Hanmantráo he knew that it was proposed to transfer the Mával office to Vadgaon. It seems improbable that, knowing this, Nagarkar would have paid Rs. 500 to Hanmantráo for a transfer, and he never even sent in a petition to the Commissioner. Nagarkar says that he merely gave both sums as a loan, and that he never asked for promotion to the third grade nor paid money in order to obtain it. Mr. Crawford denies all knowledge of any corrupt dealings of Hanmantráo in this case. Conclusion.

We are of opinion that Mr. Crawford is not guilty of this charge.

Kacheshwar Chincholikar's Case.

The charge is "that you, by your agent Hanmantráo Rághavendra, in the month of June 1887, corruptly received the sum of Rs. 1,500 from one Dewráo Kacheshwar Chincholikar, then notified Mámlatdár of Peint in the Násik District, as an inducement to favour the said Dewráo Kacheshwar Chincholikar in your official capacity of Commissioner, Central Division." Charge.

Kacheshwar is a Mámlatdár of long standing, having been appointed in January 1879. Down to the time of the transaction in question he had always served in the Khándesh District; and from April 1884 to June 1887 he was at Amalner in that district. By an order of Mr. Crawford of the 28th May, gazetted the 2nd June 1887, he was transferred to Peint in the Násik District, which is an unhealthy and unpopular station. He did not like this transfer and applied to the Assistant Collector for leave, but as the transfer had been ordered that officer could not grant it. Having some days' joining time he came to Poona and saw Mr. Crawford, who on the 21st June gave him a month's privilege leave which was due to him. His leave expired on the 16th of July, and he then took charge at Peint. By an order of Mr. Crawford of the 3rd October, gazetted the 6th October 1887, he was transferred from Peint to Shirpur in the Khándesh District. The order by which this transfer was made is one which also made a considerable number of other transfers. The whole series of transfers was rendered necessary by the unexpected return to the ordinary line of duty of an officer who had been employed upon special income tax duty, and occasion was at the same time taken to effect certain transfers which were considered desirable on the merits. The whole matter is the subject of a series of letters between Mr. Crawford and Pendse, and between Mr. Crawford and the Collectors of the several districts in which the officers affected served. About the particular transfers affecting Peint and Shirpur, Mr. Crawford wrote to the Collector of Khándesh:— Kacheshwar service. Transfer to Peint. Ex. EM. Visit to Crawford. Ex. GO. Ex. GP. Transfer to Shirpur. Ex. EW. Ex. 111 to Ex. 119. Ex. 116.

"From petitions received I find your Jámner Mámlatdár is nearly related to the Chitnis and he has a bad record, so I have sent him to Peint. And your Shirpur man having been 3½ years or more there I have sent him to Báglán and sent you the Peint (temporary) Mámlatdár whom E. P. Robertson describes as 'a good Mámlatdár of the old school who knows his work well and does it well.'" Ex. 117.

To the Collector of Násik he wrote:—

"I have sent him to Peint partly as punishment and partly because of his near relationship to the Chitnis of Khándesh, Náráyan Váman Devbhánkar, now Mámlatdár of Jámner. I see that E. P. Robertson records very unfavourably of him in 1884, and will send you the papers if you like. He says, 'the matter will affect his promotion.' I want you to look very sharp after him.

Case for the prosecution.

The case for the prosecution is not that the order of transfer was wrong—that was not and could not be impugned, but that Kacheshwar paid Rs. 1,500 to Hanmantráo for Mr. Crawford, and that this was the price of the order of the 5th October transferring him from Peint to Shirpur.

Kacheshwar's story is as follows:—

"In June I heard of my transfer to Peint. I was not pleased at being transferred to Peint, because I knew Peint was known for its very bad climate, and if I went there the climate would not agree with me. My wife was pregnant, I had very young children, and the transfer was made in the monsoon. I went to the Assistant Collector at Dhulia to apply for leave. The leave was refused. I gave over charge of my appointment at Amalner. I had six days' preparatory leave. I came to Poona during this leave. I brought with me two hundis of the value of Rs. 1,500: one was for Rs. 1,000, the other for Rs. 500. I got these hundis at Amalner. The thousand-rupee one was from Chagandás Magandás, a sáwkár, who came on business at Amalner, at Magandás Khemchand; the five-hundred rupee one I got from Lakhmichand Hiráchand, also a sáwkár. Besides the hundis I brought one letter to the agent of a Bombay firm. His father's name is Mánchand; I don't remember his name. The letter shown me is the one I refer to. It was given me by Chagandás. The Rs. 1,000 were my own. I left them in my box. The Rs. 500 I borrowed from the sáwkár Dalichand. He carried on business at Shirsála, táluka Amalner. At Poona I put up at Dámodarpant Ghárpure's. I went and saw Yádavráo Sáthe, and with him I went to the house of Hanmantráo. I had an interview with Hanmantráo. Yádavráo introduced me to him. Yádavráo had some conversation with Hanmantráo for a few minutes after my introduction. After this Yádavráo left us and went away. I and Hanmantráo remained sitting and talking upstairs in Hanmantráo's house. I asked Hanmantráo why I had been transferred to Peint, which was looked on as 'Kála páni.' Other Mámlatdárs are transferred to other places in the same zilla; why am I transferred to Peint? Others obtain promotions also in the same táluka. I told Hanmantráo my wife was pregnant, and the climate of Peint very bad. No promotion was given to me; what fault had I committed that I was transferred to Peint? I was the only person in the family to look after the affairs, my eldest son being only 13 years old. Hanmantráo got a little angry with me and said, 'You people don't think at first. Your eyes open very late.' I begged of him not to get angry with me. I told him I was in distress and therefore I came to him. I asked him if there was any means of getting out of this 'Kála páni,' and begged him to let me know of it if there was. He said if I paid Rs. 2,000 my business would be settled. I became quite nervous and thought there was a great responsibility on me. I became pale. I said I couldn't afford to pay so much. I said I didn't ask for promotion, why should such a large sum be asked for cancelling a transfer? He told me if I wanted my transfer cancelling I should think over this matter. I asked him to reduce the amount and let me know. He did not reduce the amount, but said if I did not pay the Rs. 2,000 I should be ruined. I should have to stay at Peint for a long time unnoticed. I begged of him not to act in that way; it was merely for a transfer from a bad to a good climate. I commenced offering from Rs. 500. He said he would not accept that sum nor even Rs. 1,000. He ultimately agreed to accept Rs. 1,500. I thought there was no help without paying the money. I considered it to be an oppression. I did not pay the money then. After the sum was fixed I asked him when the transfer would be cancelled. If cancelled soon it would be worth paying Rs. 1,500 for. He said Peint has a bad climate, some other man must be sent there, it was not an ordinary matter. If you are very anxious to have this done and are entitled to privilege leave apply for it and I will see that you get it. He told me within two or four months the transfer would be cancelled. I then left. I saw Hanmantráo the following day. Before seeing Hanmantráo the second time I cashed my hundis. I did so on the afternoon of the day I first saw Hanmantráo. I cashed both the hundis at Bechardás Mánchand's. The letter I brought was, I believe, addressed to the proprietor. I handed over the letter and gave the hundis at that shop. They gave me the money. Bechardás Shirchand may be B. Nanda's munim at Poona. I went back to Poona next day. I did not get the amount of the hundis the day I took them to the shop. I got them next day. I took the money to Hanmantráo. I went alone. I showed him the money I had brought and said 'Here it is.' I paid it him. I asked him to take me to the Sáheb and let me have an interview with him. He said he would not accompany me. He had already spoken to the Sáheb about cancelling my transfer and giving me leave. He said I should go and see him. I went the same day to the Sáheb's bungalow at Kirkee. There I saw Mr. Crawford. It was about 2 or 2.30 p.m. At the interview I salamed the Sáheb, who asked me who I was. I

told him my name and that I had been transferred from Amalner to Peint. I stated to Mr. Crawford my objections to going to Peint, and I gave him the same reasons I had given Hanmantráo. Mr. Crawford said as ordered by him I should go and take charge. The Sáheb told me my transfer was made temporarily, and that he would in a few days change me from that place. I told him I was in great distress and had not made preparation to go and take charge of the appointment at Peint. The Sáheb said he had already told me about the transfer, and that if I were entitled to privilege leave I should get it. He gave me a letter for Mr. Pendse. He told me he had given me one month's leave and Mr. Pendse would send a telegram. I delivered the letter to Mr. Pendse. In October 1887 I was transferred to Shirpur. I have been at Shirpur since I took charge there on the 26th October. I knew R. G. Jovarkar. I saw him in Poona in June 1887. I had a conversation with him. I know N. S. Sátbhái. I had a conversation with him during this visit to Poona. I told him what I had come to Poona for."

By way of confirmation of this account we have the statements of Sátbhái, examined in Dabir's case, and of Jovarkar that they saw Kacheshwar in Poona about the time in question, and this, no doubt, is true. We have the assertion of Yádavráo that he introduced Kacheshwar to Hanmantráo. But he says he did not stay for the interview between them, and he is a witness to whose statements we attach no value. We have further two facts that Kacheshwar had on the 14th June 1887 obtained in Amalner two hundis on Bombay, one for Rs. 1,000, the other for Rs. 500, and did on the 21st June cash them in Poona. We see nothing in this. As to the Rs. 1,000 it was very natural that when ordered from Amalner he should invest the money which he says he had in a box in the form of a hundi, which he could easily realise anywhere. It was equally natural that on the day he obtained the reprieve of a month's privilege leave he should turn his hundi into cash. And as to the Rs. 500 hundi, the purchase money of which he borrowed from Dálichand Nathasha in Amalner on the 14th June and repaid on the 8th July, we can find in this no confirmation of the statement that he parted with the money absolutely in June. In the absence of serious corroboration we are not prepared to accept Kacheshwar's story. Even if it were accepted, there would be no case against Mr. Crawford. His action in relieving the man's difficulty by giving him privilege leave, and then in taking an early opportunity of removing a senior man of good antecedents from a bad station, was much what we should expect, and he denies all knowledge of any corruption. Corroborative evidence

We are of opinion that Mr. Crawford is not guilty of this charge.

Yashwant Ballál Támbe's Case.

The charge is "that you, by your agent Hanmantráo Rághavendra, in or about the month of April 1888, corruptly received the sum of Rs. 500 from Yashwant Ballál Támbe, Acting Mámalatdár at Násik, as an inducement to show favour to the said Yashwant Ballál Támbe in your official capacity of Commissioner, Central Division."

Támbe is a B.A. of the Bombay University. He passed his Higher Standard Examination on the 18th of October 1881. He was appointed in 1883 to be a *sub. pro-tem.* Mámlatdár, and on the 1st of April 1886 he was a fourth grade Mámlatdár, No. 13 on the list, and stationed at Párner in the Nagar District. By an order of the 9th of January 1887 he was appointed a *sub. pro-tem.* third grade Mámlatdár apparently during the absence of Sakhárám Chimnáji Joshi on special income-tax duty at Poona. He was on the 1st of January 1887 the senior of the First Class Magistrates in the fourth grade who were not acting in the third grade. On the 8th of March 1887 Mr. Waddington, the Collector of Nagar, wrote to Mr. Crawford to the effect that Támbe had been between three and four years at Párner and desired a change to another táluka in the same district. Mr. Waddington suggested that Támbe should go to Shevgaon and Dravid to Párner. Mr. Crawford replied on the 12th of March that he was glad to be able to carry out Mr. Waddington's suggestions and wishes. Accordingly by an order dated the 14th of March, gazetted on the 24th of March 1887, Támbe was directed to do duty at Shevgaon. For August, September, and October 1887 Támbe drew salary as *sub. pro-tem.* third grade Mámlatdár, but, as Chimnáji Joshi had returned from income-tax duty on the 1st of August, the Accountant-General objected, and consequently by order of the 14th of November, gazetted the 17th of November 1887, it was declared that Támbe ceased to be *sub. pro-tem.* third grade on the 1st of August. Támbe had to refund the excess pay which he had drawn. Támbe's services. Ex. 53. Ex. 110. Ex. 55. Ex. 132. Transfer to Shevgaon. Ex. FJ. Ex. FK.

Transfer to Násik. Ex. FL. Ex. 134. Ex. FM. Ex. FN. Ex. BF. Transfer to Kopargaon.

By an order dated the 19th of December, gazetted the 22nd of December 1887, Támbe was ordered to do duty at Shrigonda. This transfer was necessitated by the Government Resolution of the 10th of December 1887. Támbe did not, however, go to Shrigonda, as a vacancy occurred at Násik, to which place he was transferred by an order dated the 10th of January, and gazetted the 12th of January 1888, as the Mámlatdár of Shrigonda, who at the time was acting at Násik, had been sent to Shevgaon. He joined at Násik on the 27th of January 1888. In a notification dated the 18th of February, and gazetted the 23rd of February 1888, Vináyak V. Phadke was ordered to duty temporarily at Kopargaon during the absence of the permanent incumbent Yashwant Ballál Támbe at Násik. In March 1888 Támbe saw Mr. Crawford at the Násik Road station, and had a conversation with him. Támbe was at Násik until April 1888, when, in consequence of the return of Vásudev Patwardhan to Bhusával, Láte was relieved. Láte was sent to Násik and by an order of the 9th of April, gazetted the 12th of April 1888, Támbe was ordered to revert to his permanent post at Kopargaon.

Case for prosecution.

The case for the prosecution is that Támbe was superseded and transferred until he, through Deshmukh and Hanmantráo, paid Mr. Crawford Rs. 500, and that on payment of this bribe Támbe was ordered to Kopargaon, which was described in the notification as his permanent post.

Támbe's story.

Támbe's story is as follows:—

Transfers.

"My first appointment as Mámlatdár was in March 1883. I joined in May. It was a *sub. pro-tem.* appointment. That was the first time I had acted as Mámlatdár. That was at Párner Táluka, Nagar District. I continued at Párner till the 19th March 1887. On the 9th January 1887 I was appointed *sub. pro-tem.* in third grade. I was then transferred at my own request, supported by the Collector, to Shevgaon Táluka. I was gazetted to do duty at Shevgaon. I remained there till the 1st August, when I was made to revert to the fourth grade. My pay there was the same as I had been drawing at Párner when I left. At the time I was ordered to revert to the fourth grade I complained that some of my juniors remained in the third grade. I thought I was hardly used by this reversion. In consequence of my reversion I had to refund the excess of two months' pay. I remained at Shevgaon up to the 19th January 1888. Then I went to Násik. Meanwhile I had been gazetted to Shrigonda. I did not go to Shrigonda, because I was ordered to hand over charge to Kelkar, who did not come to relieve me before the order was cancelled, and I was gazetted to Násik. I joined at Násik on the 27th January 1888. I wrote to Mr. V. G. Deshmukh from Násik. As I was only appointed to do duty at places where there were permanent vacancies, I thought there was an intention to transfer me again. Shrigonda was permanently vacant. I wrote to Mr. Deshmukh, because he was acquainted with me. I had had oral communications with Deshmukh before this. I got a reply to my letter from Deshmukh. After I had been at Násik a short time I saw an order in the *Gazette* in which I was mentioned as permanent incumbent of Kopargaon. There had not been any order appointing me to Kopargaon as far as I know. After that I saw Mr. Crawford at his camp near the Násik Road station. That station was in my táluka. It was in March 1888 I saw him. I showed Mr. Crawford my certificates and said I was being superseded. He said, 'There may be some other reason.' He did not explain. I said I was first of my year in the Higher Standard list, and that I was of long standing. That is the substance of all that took place.

Writes to Deshmukh.

Interview with Crawford.

Receives letter from Deshmukh and draws money. Ex. FO. Sends money to Deshmukh.

"I received a letter from Deshmukh about the beginning of April last. In consequence of that letter I withdrew Rs. 420 from the Savings Bank. The book shown me is my Savings Bank book. I see from it I withdrew the Rs. 420 on the 3rd April. I added Rs. 80 out of the balance I had with me. I then took a currency note for Rs. 500 from the Násik sub-treasury. I don't remember the date I bought the note. I think it was immediately after I drew the money from the Savings Bank. I sent this note to Mr. Deshmukh by post in an ordinary letter, not registered. I sent it immediately after I got it from the treasury,—that is, the same day or the next day. I was afterwards gazetted by the *Gazette* of 12th April to revert to my permanent post at Kopargaon. There has up till now been no order communicated to me appointing me to Kopargaon. I am not now at Kopargaon. I am now at Junnar in Poona District. I left Kopargaon at the end of last month, October. I am not aware whether the order is gazetted. I got a written order from the Collector. I am only appointed temporarily in place of a Mámlatdár who is on special duty. Looking at the Civil List of July 1888, I see five men who superseded me. I was superseded at different times by six men. I was superseded by Deshpánde, Nagarkar, Láte,

Bháve, and Pradhán. I was also superseded by Nátu, whose name I don't find here. Only two of these—Deshpánde and Nagarkar—had First Class Magisterial powers."

Corroborative evidence

One witness, Deshmukh, is called to confirm Támbe. We have already given reasons for not relying on the evidence of this witness. He says that in April or May he received a note for five hundred rupees from Támbe and gave it to Hanmántrao. He has no letter or documentary evidence of any kind to support his story. As to the allegation that Támbe was driven to give a bribe by being transferred and superseded, we find it to be groundless. His first transfer was made at his own request; the second was made in consequence of the orders of Government, dated the 10th of December 1887. There was, therefore, no transfer which could have led Támbe to write to Deshmukh in January 1888, or to endeavour to secure a permanent station by paying a bribe. The suggestion that the mention in the *Gazette* of the 23rd of February 1888 of Támbe as permanent incumbent of Kopargaon is suspicious appears to have no weight. Támbe must have had a substantive appointment somewhere, and there is nothing to show that there was anything unusual in his being described as the permanent incumbent of Kopargaon. The *Gazettes* show that a description of this kind was not unfrequently used, and the fact that he was so described would not ensure his being kept for any time at Kopargaon. The transfer to Kopargaon came about in a natural way. Támbe was a delicate man and he was in very bad health when he saw Mr. Crawford as Násik in March. Soon after this visit Láte was relieved at Bhusával by V. R. Patwardhan, and as Násik was a more important charge than Kopargaon, it was a proper arrangement to send Támbe to Kopargaon and Láte to Násik. This is Mr. Crawford's explanation, and it appears to us to be correct. With regard to supersessions Támbe complains that when he reverted from the 1st of August 1887 there were other men junior to him who should have reverted first. But Támbe was appointed *sub. pro-tem.* in place of S. Chimnáji Joshi, and naturally he reverted when Joshi came back. We have already shown that promotions from grade to grade were not made in order of seniority. The fact that Támbe drew Rs. 420 from the Savings Bank at Násik on the 3rd April 1888 and got a note of Rs. 500 on the same date from the treasury is no proof that the transfer to Kopargaon was the result of bribery. There is nothing remarkable in the fact that Támbe withdrew Rs. 420 on the 3rd of April 1888, as on the 2nd of August following Támbe deposited Rs. 420, the precise sum withdrawn in the preceding month of April.

Persecution of Támbe not proved.

We cannot accept Támbe's evidence, and Mr. Crawford denies all knowledge of any corruption. We are of opinion that Mr. Crawford is not guilty of this charge.

Chaubal's Case.

Charge.

The charge is "that you, by your agent Hanmantráo Rághavendra, on or about the 18th day of June 1888, corruptly received the sum of Rs. 500 from Rámchandra Yashwant Chaubal, then notified *sub. pro-tem.* Mámlatdár of Erandol in the Khándesh District, as an inducement to show favour to the said Rámchandra Yashwant Chaubal in your official capacity of Commissioner, Central Division."

Chaubal's service.

Ex. 110.

Chaubal is a man who has not yet reached any higher rank than that of a *sub. pro-tem.* Mámlatdár. By an order of Mr. Crawford of the 9th January, gazetted the 18th of January 1887, he was appointed *sub. pro-tem.* fourth grade Mámlatdár at Báglán in the district of Násik, during the absence of S. C. Joshi on special income-tax duty at Poona. Prior to this he had been acting as Chitnis to the Collector of Sátára during the absence of the permanent occupant of that office. In or before August of that year, owing to some reduction of establishment, Joshi's income-tax duties came to an end, which left no room any longer for Chaubal. In the meantime the Chitnis of the Collector of Sátára had come back to his duties as such, and accordingly by an order of the 8th of August, gazetted the 11th of August 1887, Chaubal was directed to revert to what was then his permanent post of Head Kárkun in the Ahmednagar District. He thereupon preferred a petition to the Commissioner in which he complained of the order, and suggested that if anyone was to revert to a lower post it should be somebody other than himself. He also went to see Mr. Crawford at Poona with a note from his Collector endorsed on the petition, and had an interview with him, apparently on the 25th of August. In the meantime Joshi, the man whose return from income-tax duty had caused the difficulty, took leave and the unavoidable changes were then deferred. Mr. Crawford accordingly answered the Collector's letter on the 25th of August:—

Ex. ES.

Ex. ET.

Crawford's order.

Ex. EU.

"Mr. Chaubal has brought me enclosed. I have relieved his mind by telling him that he has already been put in to do duty as Mámlatdár of Báglan; and in the course of a couple of months there will be vacancies of which he, being the head on the list, will of course get one. It was a great nuisance the special Income Tax Officer, Poona City, reverting and causing all these transfers; but it could not be helped."

x. EV. An order of the 15th of August, gazetted the 25th of August, directing Chaubal to continue to do duty at Báglán until further orders, had already been made. In October the difficulty occurred again, and by an order of the 3rd of October, gazetted the 6th of October, a series of transfers was ordered, and it was further ordered that
x. EW. Chaubal and one Shálom Bápuji should revert to their substantive appointments. The changes made by this order were the subjects of correspondence between Mr. Crawford and the several Collectors and between him and Pendse, referred to in others of the cases brought before us. In writing to one Collector Mr. Crawford
x. 115. said: "I am sorry that both Shálom Bápuji and Chaubal have to revert for a time owing to reversions of officers on special duty. It cannot be for long." And to
x. 117. another: "I am sorry to say that the abolition of the post of Poona City Special Mámlatdár for income-tax, the man being now on leave, causes the reversion of Chaubal, now acting Mámlatdár of Báglán. However, I hope it will not be long before he gets another mámlat."

x. 120. Almost immediately after those orders were made it was found that a vacancy for three months would occur in the Mámlatdárship of Nagar, and the Collector wrote to Mr. Crawford asking that Shálom Bápuji, then his Head Clerk, should have the
x. 121. appointment. Mr. Crawford consulted Pendse as to which of the two reverted men,
x. 122. Shálom Bápuji and Chaubal, had the best claim by seniority and otherwise, and
x. 123. received an answer. He appears to have acceded to the Collector's request, and Shálom Bápuji was appointed. Almost immediately afterwards, and before Chaubal actually left Báglán, another vacancy occurred from another officer going on special
x. EX. duty, and by an order of the 26th of October, gazetted the 3rd of November, Chaubal
x. 125. was appointed to act as Mámlatdár at Jalgaon. While at Jalgaon he urged the view that some one other than himself should lose the benefit of a *sub. pro-tem.* appointment, and that he should have full pay instead of acting pay. He petitioned the Accountant
x. 126. General and Mr. Crawford on the subject. Mr. Crawford's answer was:—

"In the Commissioner's notification of 9th January 1887, appointing Mr. Chaubal *sub. pro-tem.* fourth grade Mámlatdár at Báglán, it was clearly stated that he was to continue in the appointment during the absence of Ráo Sáheb Sakhárám Chimnáji Joshi on special income-tax duty at Poona. Mr. Chaubal ought, therefore, to have been fully prepared for the reversion which was ordered on the cessation of Mr. Joshi's special duty. Mr. Chaubal's pay has been properly retrenched by the Accountant-General, and undersigned cannot make a recommendation to that officer in Mr. Chaubal's favour."

When the Jalgaon appointment was coming to an end, Mr. Crawford telegraphed
x. 127. to the Collector of Nagar on the 9th of January 1888: "Chaubal loses Jalgaon
x. EZ. mámlat. Please appoint him to act at Nevása or any other vacancy." On the same
x. 128. day he telegraphed to Chaubal: "Rejoin at Nagar. You will get acting mámlat at
x. FA. Nevása." The Collector appointed him to Ráhuri, and he was gazetted accordingly.
ollector's In April his time at Ráhuri came to an end, and he took leave. By an order of the
der. 18th of April, gazetted the 26th of April, he was appointed to act as Mámlatdár of
x. FC. Tasgaon in the district of Sátára. This official order was based upon an office order of Mr. Crawford which now purports to bear date the 19th, but in which the date has
x. FB. been altered from the 14th. By an order of the 28th of May, gazetted the 31st of
x. FD. May, he was appointed *sub. pro-tem.* Mámlatdár of Erandol in Khándesh. There he remained till after Mr. Crawford's suspension. By an order of the 25th of July,
x. FF. gazetted the 2nd of August 1888, he was transferred to Pandharpur where he still remains.

ise for the osecution. The case for the prosecution is that on the 15th of April 1888, Chaubal made a bargain with Hanmantráo, on behalf of Mr. Crawford, according to which he was to be given, not an acting appointment or a *sub. pro-tem.* appointment, but a permanent mámlatdárship for a sum of Rs. 1,500, to be paid when his appointment was gazetted; that the order of the 18th of April appointing him to act at Tasgaon, and the order of the 28th of May making him *sub. pro-tem.* at Erandol, were the result of this bargain; and that on or about the 18th of June he paid Rs. 500 of the sum promised to Hanmantráo.

Chaubal's story.

Chaubal speaks of his petition of the 14th of August 1887, and of his then coming to Poona, and he continues as follows:—

"I took my petition with the endorsements personally to Mr. Crawford at Kirkee. I saw Mr. Crawford in his bungalow. One other person was present at the interview. I did not know then who the person was. I now know that the person was Hanmantráo. I do not recollect the whole of the conversation. I began to tell Mr. Crawford it was not my turn to revert. I had been superseded many times. There were others junior to me who should revert. Mr. Crawford relieved my mind by telling me that in a couple of months I should get a pakka mámlat, as I was first on the list. The reversion was not cancelled. Mr. Crawford said that meanwhile for a couple of months I might go back to Báglán Táluka as Acting Mámlatdár. A notification had been issued to that effect. Mr. Crawford spoke this, because Hanmantráo reminded him. Hanmantráo interrupted me to say that I need not fear, as I had already been appointed to continue at Báglán. He said this before Mr. Crawford told me. Mr. Crawford gave me a letter to Mr. Woodward, which he read out to me and said I was to take personally to Mr. Woodward. He wrote this letter after speaking to me. He went out of the room to do this and brought the letter back. He gave me the letter along with my petition. I went home with Hanmantráo to his house after this interview with Mr. Crawford. I showed Hanmantráo all my testimonials that were with me, and told him that as the Commissioner had not seen them, and as he (Hanmantráo) seemed to know all my case, my due, *i.e.*, my mámlat, should be given to me. He said it would not be given unless I paid. I said to him, 'Mr. Crawford 'himself has promised me by this endorsement that I will get a permanent mámlat 'within a couple of months. I will not pay anything, because justice requires that I 'should have already got a mámlat.' Then I went away. After Mr. Crawford gave me the packet I waited for Hanmantráo. I did so, because full relief was not given to me, and Hanmantráo seemed to know my case."

Visit to Crawford.

Meeting wit Hanmantrá

He next says that in January 1888 he saw Mr. Crawford at the Bhusával railway station, which would be shortly before the end of his Jalgaon appointment. His account is as follows:—

"I went to Bhusával station to see Mr. Crawford on his way through from Calcutta. I saw him there on the 7th January 1888. I told him the promise he gave me in August was not fulfilled. After the promise I had been superseded by Patwardhan, Wágle, and Shálom Bápuji. I most humbly requested him to re-consider my case. He said to me he perfectly remembered having appointed me Probationary Mámlatdár in the Kopargaon Mámlatdár's arrangements. I told him my name does not appear. I saw the *Gazette*. He said to me his lists were confused. Within two days I would receive telegraphic orders. Exactly after two days I received a telegraphic order giving me an acting mámlat."

Meeting wit Crawford a Bhusával.

This refers to the telegram of the 9th January. He says he came again to Poona in April. In direct examination he describes the incident thus:—

"I stayed at Ráhuri till 13th April 1888. I was there from 16th January 1888. I took casual leave from 13th April and came to Poona. Otherwise I should have had to revert to my appointment of Head Kárkún. I made representations as to my position to many different officers. I got no redress. I therefore came to Poona. In the morning of the 15th I went to Mr. Crawford's bungalow. I sent in my card. After a long time Mr. Crawford came out on the verandah. I then again repeated my whole story to him. He then again promised me the first vacancy which would occur. I repeated my request again and again till Mr. Crawford got angry. Then I said, 'Very well, as I have got the promise I will go now,' and I went. I was beginning to move when Hanmantráo followed me from within the bungalow. He followed me to the gate of the compound. He had not been present at the interview. At the gate he asked me what the Sáheb said, and I told him he had promised me the first vacancy. Hanmantráo told me the promise would not be realised unless I paid. He told me to recollect the former promise which was fruitless. He said I must pay or remain as Head Kárkún. He said, 'See by what an intricate way he has brought you to the táluka.' He said, 'It is the natural consequence, if no orders are issued, that you will remain as Head Kárkún at Ráhuri.' At this time I was extremely tired and disappointed. He said to me I should pay Rs. 2,500. Just as we began talking we had got into Hanmantráo's carriage, which was in an open space just near the gate. The carriage stood there all the time we were talking. The carriage was not on the road, it was at the side of it. I said to him, 'Why should I pay? I will not pay.'

Second visi to Crawfor

Bargain with Hanmantráo.

Then he threatened me. He said, 'If you don't pay, go to your Head Kárkúnship and see what will follow.' Then I said, 'This is a very big sum and I will certainly not pay it.' I threatened him and said, 'As I am now discouraged and can't procure redress, I must go to Government.' Then he asked for Rs. 1,500. I said, 'Appoint me at once to a pakka mámlat.' He said no mámlat was vacant then. I repeated that I would not pay. He then said if I promised to pay even after my appointment, that would do. I thought I must try the truth of what he said. After this he went away to the bungalow, leaving me in the carriage. He brought from the bungalow an order. He gave me the order. He had been in the bungalow about fifteen minutes or half an hour. He said to me, 'It is better to be an Acting Mámlatdár than to be on leave, and a pakka mámlat will follow.' The order shown me is the one he gave me. The order was in an open envelope addressed to Mr. Pendse. Hanmantráo told me to take this order to Mr. Pendse and he would issue further orders. I went in Hanmantráo's carriage with him to his house. From there I took the packet to Mr. Pendse. I gave it to him and he told me orders would follow. After that I left Poona the same evening. This was the 15th April."

Ex. FB.

In cross-examination he said:—

"I came to Poona from Ráhuri and stopped the night of 14th and the whole day of the 15th. I arrived in Poona by the evening train about 4 p.m. I went to Mr. Crawford on the morning of the 15th. My suggestion is that Hanmantráo went into the bungalow and got Mr. Crawford to write Exhibit FB and brought it out and gave it me. I read it. It was dated 14th April. I can't account for the figure 4 being changed into a '9.' The 15th was a Sunday and 14th may have been put on this account. I took the order to Mr. Pendse on the 15th. He did not object to receiving an order on the Sunday because it was from the Commissioner. I went alone. None was present when I gave the order to him."

He says that he again came to Poona after he was appointed *sub. pro-tem.* at Erandol by the order of the 28th May:—

Third visit to Poona.

"After giving over charge at Tásgaon I went to Ráhuri. I left Ráhuri on the evening of 17th June, and from there went by Nagar, which I left on 18th, to Poona. This was within my joining time. I brought with me notes worth Rs. 500. I reached Poona in the morning of the 19th by the 4.30 a.m. train. Part of the Rs. 500 was from my pay and part from my savings bank account and part from my cash balance. Rs. 354 was from my pay. I had not drawn pay pending the result of the correspondence as to whether I was acting or *sub. pro-tem.* I drew in one month Rs. 354-2-11. The four bills shown me are the bills for the four months for which I drew salary together. The bills are dated 11th April. I drew the money at Ráhuri. I drew from the savings bank Rs. 100 on the 16th June. I brought the Rs. 500 to Poona in notes. In Poona I paid the amount to Hanmantráo. I went to his house on the morning of my arrival. I went with one Atmárám Mahádev. He is a Lingáyat and, I think, a merchant. I put up at Atmárám's house. I had known him before. He lives at Pimpalgaon Ujain in Nagar District. I made his acquaintance in Nagar District. At Hanmantráo's house I saw Hanmantráo. There may have been some members of his house going in and out. I was not acquainted with any of them. They were not strangers. I gave Hanmantráo the Rs. 500 in notes. He said I ought to have paid the whole amount, Rs. 1,500. I said I was not yet appointed a pakka Mámlatdár and I would not give it all. Then he said Bivalkar is shortly to revert to his mámlat at the end of his special sanad duty, and I should have to give up my place and revert. Then I promised that after I was made pakka Mámlatdár I would arrange about paying the balance, *i.e.*, Rs. 1,000, but not before. I then returned to Ráhuri on the evening of the same day, the 19th."

Payment of Rs. 500 to Hanmantráo.

In cross-examination he said:—

"When I was transferred to Tásgaon I had not agreed to pay anything for an acting mámlat. When appointed to Erandol I had not agreed to pay for an acting mámlat. I had refused to pay any money for an acting or *sub. pro-tem.* mámlat. Between April and June I had no communication whatever with Hanmantráo or Mr. Crawford. I had received no notification of any appointment to Erandol till I saw it in the *Gazette*."

About Atmárám Mahádev he said:—

"When I asked him to come to Hanmantráo's to show me the house, he came with me. I made no objection to his accompanying me inside the house. Hanman-

tráo made no objection to his being there. I gave his name in my original statement. I don't know why his name is not given in the original charge. I have stopped with him before, when I was going to Tásgaon. I don't remember if if I had ever stopped with him before that. I last saw him before April. I don't remember the last occasion. I have seen him five or ten times in the whole course of my life."

This case, if Chaubal's story be true, was a mixed case of corruption and extortion. He represents himself as under considerable pressure, but still as deliberately making a corrupt bargain. We could not in any case accept his story without substantial corroboration. The only other witnesses are Atmárám Mahádev and Pendse. Atmárám says that he did in June go with Chaubal to show Hanmantráo's house, went in with him, and saw him give Hanmantráo a bundle of notes. It is hardly credible that Chaubal should have taken Atmárám, an almost total stranger, into the house in order apparently to be a witness to his shame. We do not accept the story about Atmárám. Pendse's evidence affords no confirmation of the story.

Character of witness. *Corroborative evidence*

The main document, Mr. Crawford's order for Chaubal's appointment to Tásgaon, contradicts the story. It is essential to the story that that document should have been written on the 15th, but its true date is the 14th. Pendse too practically contradicts Chaubal, for he does not say he received the document on a Sunday, but "at my house before I went to office." When the witness represents Hanmantráo as saying "see by what an intricate way he has brought you to the táluka where you are Head Kárkún," he shows either Hanmantráo or himself telling a wanton falsehood, for it was not Mr. Crawford but the Collector who sent him to Ráhuri. And Chaubal's story is in itself very difficult to believe. He made his bargain in April to pay Rs. 1,500 when gazetted to a permanent mámlat, he was never so appointed, he had no further communication with anyone on the subject till June, and then he brought Rs. 500 with him to Poona, went straight to Hanmantráo and paid the money to him. He did not allege any circumstance as having occurred between April and June to account for his change of mind. If there is any truth in Chaubal's story there is no evidence to connect Mr. Crawford with the matter, and he denies any such connection All his orders about this man were natural and reasonable orders, and there is nothing about them to arouse suspicion.

Ex. FB. *Improbabilities and contradictions.* *No evidence against Crawford.*

We are of opinion that Mr. Crawford is not guilty of this charge.

Cases connected with Kázi Abbás.

The next four cases are all connected with a man, Kázi Abbás, who was one of Mr. Crawford's agents for the purpose of borrowing, though in only one of them, that of Phadke, is the corrupt receipt of money alleged in the charge to have been through the agency of Kázi Abbás.

Cases connected with Kázi Abbás

Phadke's Case.

The charge is "that you, through your agent Kázi Mahomed Abbás, in or about "the month of February 1887, corruptly received the sum of Rs. 500 from Lakshman "Chintáman Phadke, then Mámlatdár of Shrigonda in the Ahmednagar District, as "an inducement to favour the said Lakshman Chintáman Phadke in your official "capacity of Commissioner, Central Division; and secondly, that you, through the "said Kázi Mahomed Abbás, in or about the month of July 1887, corruptly "received a further sum of Rs. 1,500 from the said Lakshman Chintáman Phadke, "then Mámlatdár of Karjat in the Ahmednagar District, as an inducement to favour "the said Lakshman Chintáman Phadke in your official capacity of Commissioner, "Central Division."

Charge.

Phadke is an L.C.E. of the Bombay University. He passed the H.S. in 1881, and was first appointed Mámlatdár *sub. pro-tem.* in July 1884.

Phadke's services.

By an order of the 10th, gazetted the 17th, February 1887, he was directed to act as Mámlatdár of Khatáv in Sátára. He had at that time been two years at Shrigonda, and the man for whom he made way was an old officer about whom there had been a special case. On the 21st of February he sent a petition to the Commissioner complaining of the transfer on two grounds: (1) the wording of the *Gazette* order, which seemed to imply that he was to lose his *sub. pro-tem.* appointment; (2) the hot climate of Khatáv, which he feared would not agree with his constitution: and he asked to be allowed to remain at Shrigonda and for a permanent mámlat. The petition was apparently presented, or sent, to the Assistant Collector at his camp at Pimpalgaon Tapa, a place in the adjoining táluka, who sent it on the 25th of February to the Collector, by whom it was forwarded to the Commissioner on the

Ex. CE. *Transfer to Khatáv.* Ex. IP. Ex. IV.

3rd of March. On the 4th the Commissioner, who was then at Dhulia, passed the order cancelling the transfer, and on the 5th he directed the petition to be given to him at Poona. On the 8th of March a letter issued from the Commissioner's office signed K. B. P. for Commissioner, C. D., acknowledging "the remonstration of L. C. Phadke on his being gazetted to act at Khatáv," stating that the order "to act" was obviously a mistake and that the transfer was cancelled. Phadke was to go to Karjat, and Khopkar, who it appears had been at Karjat since December 1883, was to be transferred to Khatáv. The order was accordingly gazetted on the 10th of March. He was appointed a probationary Mámlatdár on the 14th of March 1887, under the circumstances stated at pages 11 and 12 of this report.*

Ex. IQ.

Ex. IQ.

Ex. FJ.

The case for the prosecution is that the transfer to Khatáv was cancelled by Mr. Crawford in consequence of the payment of Rs. 500 set out in the charge.

Case for prosecution on first part of charge.

Phadke's account of the transaction is given in his own words:—

Phadke's story.

"I saw my transfer gazetted in February 1887 (Exhibit CE). I was to act as Mámlatdár of Khatáv in Sátára. That would have involved a diminution of pay. After seeing this in the *Gazette* I came to Poona to see the Commissioner. Vithalráo, Pátil of Pimpri, near Shrigonda, and Bháo Mashrif came with me. Bháo Mashrif is a well-to-do gentleman of Shrigonda. He acts as a Mukhtyár, and he does petition-writing business at the Mámlatdár of Shrigonda's kacheri. We put up in the house of Narhar Bápuji Dámle in Sadáshiv Peth. Dámle is a Mámlatdár. He was not at his house. He was then on casual leave. I believe it was on the 19th February 1887 I came to Poona. Three of us went to the Kázi Sáheb. His name is Abbás Ali. I arrived in Poona on the morning of the 20th, and on the same day I went to the Kázi Sáheb. We had an interview with him.

"In consequence of the conversation at Kázi Sáheb's house I raised Rs. 500. I met Jodhráj Márwádi in the bázár. He being a resident of Shrigonda Táluka, I knew him. I asked from him a loan of Rs. 500, which he agreed to let me have. This was about 8 or 9 a.m. on the same day I went to the Kázi Sáheb. The Márwádi brought the money in the afternoon to my lodging. When I got the money I took it to Kázi Sáheb. The two friends were again with me. I had a talk with Kázi Sáheb. Vithalráo and I went in a gári to Mr. Crawford's bungalow at Kirkee on the same day at about three or four in the afternoon. Leaving the gári outside the compound we all three went in and went to the room where the servants sit. The Kázi Sáheb asked me for the notes, and with them he went into the bungalow. The notes were to the amount of Rs. 500. After about half hour Kázi Sáheb returned and said the Sáheb wanted me in the front verandah. I went. I had an interview with Mr. Crawford. He asked me who I was and I told him. He asked me why I had come. I said I was transferred from Shrigonda to Khatáv, that it was an acting appointment and I was put to loss by the transfer, and the climate of that place was hot, and I was unwilling to go there. I said I was entitled to a probationary Mámlatdár's place and I ought to get one. I said I was in that rank. The Sáheb said I could not be kept at Shrigonda. If I wanted any other táluka in the Nagar District I should make my application through the Collector. The Sáheb further said he gave appointments according to the list, and when my turn came I would get an appointment. That was all the conversation, and after it I left. We three returned to Poona. The other two were not present at the conversation. I returned to Shrigonda the next day. I never received back the Rs. 500 or any portion of it. When I got to Shrigonda I made a petition to the Commissioner."

Corroborative evidence.

The witnesses called to support this story or parts of it are Kázi Abbás, Vithalráo Pátil, Bháo Mashrif, Jodhráj Márwádi, Láyakrám, and Usmán Khán.

Kázi Abbás, who is concerned in three other cases besides this one, gives the following account of himself and of his relations with Mr. Crawford:—

"I am about 30 or 31. I am a Musalmán and live in Kasba Peth, Poona. I have lived in Poona all my life. I am a Kázi myself, and perform the functions of a Kázi. My father was Kázi before me. I have no other occupation. I was for a short time in the service of the Poona Municipality, about four or five years. I left the service about eight or nine years ago. I was a kárkún for the collection of octroi tolls. I know Mr. Crawford. I first made his acquaintance about six or seven years ago. Mr. Spiers, who is now a pensioner, but was then sub-registrar, introduced me to him as I used to carry his letters to Mr. Crawford. I used to do other work for Mr. Spiers.

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* *See* pages 13 and 14 of this paper.

I was not in his service. I was an acquaintance of his. Besides carrying letters I did not do any other work for Mr. Spiers in connexion with Mr. Crawford. Until Mr. Crawford came to be Commissioner, C. D., I had no other business with him, except what I have above stated. I saw Mr. Crawford immediately after he was appointed. I went of my own accord to see him. Nothing of importance passed between us on that occasion. After that I was sent for, a man came to call me. I do not know his name. He was a Hindu. He had a shirt and dhoti. I went to Mr. Crawford's bungalow at Kirkee. I cannot fix the date, nor can I say how long after Mr. Crawford became Commissioner. It was a short time after he became Commissioner. On this occasion Mr. Crawford said he was in need of money. I said 'Very well, I will arrange.' I then left him and went away. That was all that was said at this interview. I did not make any arrangements. Mr. Crawford had told me he was in want of money. Mr. Crawford did not say anything about how he wanted the money to be got. Since that I have visited his bungalow. I used to go there constantly. I used to enter the bungalow at the back, that is, the stable side. I used to take with me such people as used to come to me. I am ready to give their names if I am asked. During the last two and a half years I have raised money for Mr. Crawford. I did so up to the time of his suspension. I used to get loans for him, and also I used to arrange for interviews between Mr. Crawford and such persons as asked me to do so. When I raised loans for him, I got them from Márwádis in Bombay. I always got them in Bombay."

Relations of Abbás with Crawford: Abbás' account.

Mr. Crawford's account of his relations with Kázi Abbás was thus given in his cross-examination in Hanmantráo's case:—

Crawford's account. Ex. B.

"The man I sent to Bombay to get money for me a few days before my suspension was one Kázi Abbás. I used to employ him to arrange with Márwádis in Bombay and bring them up. He supplied my place with firewood and things of that sort."

On this latter point Kázi Abbás confirms him. In this case Mr. Crawford says:—

"I never had anything to say to Kázi Abbás except in the compound, except when he brought men up from Bombay. He was then received in the usual place at first, but the men he brought would afterwards go inside to the open verandah round the drawing room, where there was a table at which I used to write. This was at the south-west end of the verandah.

"I remunerated Kázi Abbás for his services. I gave him sometimes Rs. 50, sometimes Rs. 100, and paid his expenses for going down and bringing people up to give me loans. He effected three or four loan transactions for me. The first was about a year and a half ago. I knew he used to raise money for other people in Poona. I am not sure he did not volunteer to me. Besides Kázi Abbás and Hanmantráo I had no other money-broker in Poona."

The way in which Kázi Abbás was led to speak out in this inquiry is, as stated by himself, as follows:—

Circumstances under which Abbás spoke.

"I first made a statement about three or three and a half months ago to Mr. Ommanney. Mr. Ommanney was alone in his bungalow opposite the telegraph office. I have often gone there since making my statement. Mr. Ommanney has frequently sent for me. I have been there perhaps within the last week. I don't remember. I was not there yesterday. I was here. Nor the day before yesterday. I don't remember whether I was there or not last Sunday. I have been kept there two or three or four hours till the inquiries made of me were over. I don't mean I was answering questions all this time. Other people used to be there and I had to wait for my turn. I know Hari Náráyan Kále. He is a pensioner. I don't know if he is a police detective. I don't know that he does police work for Mr. Ommanney. He has not been often to my house under Mr. Ommanney's order to make inquiries. He lives at some distance from my house. I have frequently been to his house. There was no conversation about this matter at his house. I have known him a long time, five or six years. I have made statements also to Mr. Lucas, Mr. Kennedy, and Mr. Gamble. Altogether I can't say how many statements I have made. I used to answer questions whenever they were put to me. I have been questioned probably twice or thrice about Phadke's case. A warrant was out against Hanmantráo when I went to Mr. Ommanney's, and as I had been doing similar things I became frightened and went to Mr. Ommanney. I went seven, eight, or ten days after the warrant was issued. I had not heard any rumour of a warrant issuing against me."

Corroborative evidence.

Kázi Abbás' account of the transaction we are now discussing is this :—

"I know L. C. Phadke, the last witness. He came to my house with Vithalráo Pátil. That was the first time I saw him. There was one other man, a Bráhman, with them, whom I did not know before. I have learnt since his name is Bháo Mashrif. I had known Vithalráo before. He had come to me on three or four occasions previous to this. There was a conversation at this interview. After the conversation I went to Mr. Crawford's bungalow and saw him. I said to Mr. Crawford that Phadke had told me he was transferred into the Sátára District, that he had said he was unwell and was unwilling to go to the Sátára District, and also that if his transfer were cancelled he would make a present of Rs. 500 to the Sáheb. The Sáheb said he could not be transferred to Shrigonda. Mr. Crawford asked me to tell Phadke to make an application through the Collector. He also told me to bring Phadke. I then left. I went home and Phadke returned to my house, after I returned, on the same day. I repeated to him what Mr. Crawford had said to me. This time I don't remember if there was anyone with Phadke. Phadke asked me to go to the bungalow, and we went there. I don't remember if anyone was with us there. Phadke did not show me anything. We went to the bungalow. I and Phadke went into the compound leaving the gári outside. Both of us went to the cook-room. We did not go into it, but remained outside. I told Phadke to sit there and I would go and see the Sáheb. The place I told Phadke to sit (sic) was near the cook-room. It was in the small open verandah of the cook-room. There are two or three rooms in line with the cook-room. The rooms are servants' quarters where they live. I went inside the bungalow and saw the Sáheb, who was in the hall of the bungalow. The sitting room I call the hall. It was in front of me as I entered the bungalow. I passed through another room. I myself did not go into that hall. I went into the lamp-room and asked the servant to announce me. My interview with Mr. Crawford took place in a room to the right of the lamp-room. The room was towards the roadside of the bungalow. I told Mr. Crawford Phadke had come. He said, 'Call him.' I called him and he came. Then some conversation took place between him and the Sáheb. I heard it. I don't remember it now. When leaving, Phadke took out a packet from his pocket and gave it to the Sáheb. I then left. Seven or eight days after Phadke returned to his place he came back to see me, and paid me Rs. 50."

The next witness, Vithalráo Pátil, says :—

"I had no particular business in Poona. My sister is married here and I come on and off. On this occasion I came at the request of Phadke. In Poona I went to Phadke's lodging. I don't know in which Peth the house was. The house belonged to Káka Sáheb Mámlatdár. Phadke had been putting up with him. Káka Sáheb's name is Narhar Bápuji. I don't know his surname. We went to the house of the Kàzi. Phadke, Bháo Mashrif, and I went. We had an interview with Kázi Sáheb. Before that I knew him by sight. I was not in the habit of going to his place. We returned from Kázi Sáheb's to Phadke's lodging. While returning, Phadke met Jodhráj Márwádi. We were standing there while Phadke had a conversation with Jodhráj. This was before we reached Phadke's lodging. After the conversation Phadke returned to his lodging and I went away to mine at my brother-in-law's. I saw Phadke again about 12 or 1 the same day. Phadke and Bháo Mashrif were seated alone in Phadke's lodging. We three went to Kázi Sáheb's. We saw Kázi Sáheb again. We engaged a shigrám, and I and the Kázi Sáheb and Bháo Mashrif and Phadke got into it and drove along the Kirkee road some distance to a place by the side of the river where the shigrám stopped and the Kázi Sáheb got out. I remained sitting in the shigrám as did the Mámlatdár. Bháo Mashrif also remained in the shigrám. The Mámlatdár gave a bundle of papers to the Kázi after the Kázi got out of the shigrám. Mámlatdár was seated in the shigrám and the Kázi was standing outside where the notes were given. The Kázi went inside the compound and we drove the shigrám a little further on. Shortly afterwards the Kázi called the Mámlatdár, and he and Bháo Mashrif went inside the compound. I do not know where they went to. I remained in the gári for some time, about half hour, and then went to drink water at the river and came back. After about half an hour the Mámlatdár and Bháo Mashrif returned. I did not go into the compound at all."

Jodhráj is the gumásta of a money-lending firm which had a branch in the Shrigonda Táluka. His account is as follows :—

"I know L. C. Phadke, who was Mámlatdár of Shrigonda. In the course of 1887 I met him once in Poona. That was about twenty or twenty-one months ago. I

can't fix the time by any date. I met him near the new market (*Mandai*). Bháo Mashrif and, I believe, Vithalráo were with him. I had known them before. A conversation took place between me and Phadke. He asked from me Rs. 500. I had with me only Rs. 50. I believe I went with Bháo Mashrif to the Sadar Bázár in the Cantonment. I went to the shop of Láyakrám Baldev. I had some conversation with him. After it I went to Usmán, a dealer in hides. I am not certain of his name. I did not know him before. I think Láyakrám went with me to him. I took from this Mahomedan a note for Rs. 1,000, as he had no notes of smaller denominations. I changed the note in the bázár for cash and notes. I returned notes and cash of the value of Rs. 550 to the Musalmán who had given me the 1,000 rupee note. I took the Rs. 450 and the Rs. 50 which I had with me, changed the latter into notes, and took the Rs. 500 to Phadke in Kálevávar. I think Bháo Mashrif was with me. I don't mean he was with me all the time. He waited for me at Láyakrám's and thence accompanied me to Phadke's. I repaid the Rs. 450 after about three days, I think. I brought the money, I think, from Ghodnadi and paid it. I and Láyakrám went with the money to the Musalmán's place, and paid it. I believe we laid it to the old man. I made no entry of this in my books. I treated it as a short date loan. I do not remember if I saw the Musalmán making any entry of the transaction. Phadke repaid me about ten or twelve days afterwards. He repaid me at Shrigonda. He did not pay me any interest, but he paid me two or three rupees on account of the expenses of my fare."

Bháo Mashrif's account is as follows:—

"I went with Phadke to Poona. We left on the night of the day I went and saw Phadke. Phadke and Vithalráo of Pimpri were with me. We met Vithalráo at the Pimpri station. We came together to Poona and there put up at Bálu Káka Dálme *alias* Narhar Bápuji. He is a Mámlatdár. The following day we went to Kázi Sáheb's. We reached Poona at 4 a.m., and at about 6 a.m. the same morning we went to the Kázi's. On this occasion Phadke was not with us. We saw the Kázi. I did not know him before. After the interview we returned to Phadke's, and at 8 a.m. I, Phadke, and Vithalráo went to the Kázi's house. On the first occasion Vithalráo showed me the house of the Kázi. We all saw the Kazi on the occasion of the second visit. After the visit, which lasted about an hour, we returned. We were standing near the market when we met Jodhráj, a Márwádi. I knew Jodhráj before. He is constantly coming to Shrigonda. He is a native of Belwandi, which is three or four kos from Shrigonda. Phadke spoke to Jodhráj. After the talk with Jodhráj I accompanied him to a Márwádi's shop in Vetál Peth, I do not know the name of that Márwádi. I did not go elsewhere with Jodhráj. I remained sitting outside while he went into the shop. When he left the shop we returned to Phadke's in a gári. Jodhráj had notes with him. I did not see him count them. He gave the notes to Phadke. Jodhráj then went away. I remained at Phadke's lodging. When Jodhráj arrived Vithalráo was there. About 12 noon we went to the Kázi's house. From the Kázi's house he, the Kázi, and Vithalráo went somewhere in gári. They left the Kázi's house before 2 o'clock. I returned to Phadke's lodging. I saw Vithalráo and Phadke again after their return to the lodging. Vithalráo did not sleep there. I slept there. I stayed in Poona, I think, one day and then returned to Shrigonda. I slept in Poona two nights and left about 7 or 7.30 a.m. I, Vithal, and Phadke left together. I am Mukhtyár, and practise sometimes in the Mámlatdár's Court at Shrigonda. I paid all these visits to Poona at Phadke's request. There is no other reason for the visits. All that time I was away from my business. During the time of my first visit to Poona the feast of Shivrátra in the month of Mágh occurred."

On reference to the calendar it appears that the Shivrátra festival was on the 21st of February 1887.

Láyakrám, the Márwádi, says:—

"Jodhráj came and asked me for Rs. 450. I told him I had no money by me. I am not sure if he was alone. I went to the shop of Háji Hasan Umár. Jodhráj went with me to the shop. Probably we saw the master. The man we saw was about 43 or 45 years old. His name is Háji Hasan. The firm is called Háji Hasan Umár. I asked the sheth to lend Rs. 450 to Jodhráj. I said they would be returned in a day or two. The sheth paid Rs. 450. I have no distinct recollection how it was paid. I caused the money to be advanced, that is all I remember. The money was repaid in one or two days. Jodhráj probably brought the money and we both went and paid it. My recollection is that the amount was taken to Hasan Umár's and paid. I don't remember if I went or Jodhráj went, or both of us."

Ex. MB. Lastly Usmán Háji Hasan produces his books and shows a debit entry of the 20th of February 1887 of Rs. 450 "to the account of Agarwála Láyakrám Jowahur Mull, the same being the balance of a note for Rs. 1,000 given to him," and a corresponding credit on the 22nd idem and a further credit to the discount account of 12 annas 6 pies for discount and interest on a note for Rs. 1,000.

Ex. MC. Ex. MD.

He states distinctly in his evidence that he "gave the note to Láyakrám," and in re-examination said, "Láyakrám asked me if I had a note. I said yes. He then "brought Rs. 550 and took the note. I then made an entry against his name for "Rs. 450." In cross-examination he stated, "When I gave Láyakrám the note they "both left my shop. I did not see him give the note to anyone. Jodhráj was present "with Láyakrám; besides that he had nothing to do with the transaction. I did not "lend the money to Jodhráj. I did not know him." This account of what passed is opposed to that of Jodhraj and Láyakrám in material points respecting the loan.

Crawford's evidence on this part of charge.

Mr. Crawford in his evidence says that the first time he saw Phadke to his knowledge was after he (Phadke) was suspended, and that he did not come to him in February 1887 with Kázi Abbás or anyone else.

Evidence of witnesses for prosecution considered.

The story of Phadke and the evidence of the witnesses brought forward to support it are full of contradictions. As regards the borrowing of the money through Jodhráj, and the payment of that money at Kirkee, which are the main points to be proved, the discrepancies are very serious. Phadke's account of what passed between him and Mr. Crawford at the interview is inconsistent with his own petition, which according to his story he wrote almost immediately afterwards. He says Mr. Crawford told him that he could not remain at Shrigonda; that if he wished for a táluka in the Nagar district he should apply through the Collector, and that appointments to permanent mámlats were made according to the list, but the petition, written a couple of days after, asked that he might not be transferred from Shrigonda, and that he might get a permanent mámlat, that is to say, fresh from his interview with Mr. Crawford he asked for the things Mr. Crawford told him he could not have, and said nothing on the point as to which he was told to petition. The order transferring Phadke to Khatáv was published at Bombay in the *Gazette* of the 17th, which could scarcely have reached Shrigonda, a station four miles from the railway in the Nagar District, before the 18th or 19th. If we are to believe Phadke he started off at once, and there is a railway journey of 9 or 10 hours to Poona. He arrives, however, on the 20th; he has several interviews with Kázi Abbás; he meets Jodhráj in the bázár, who borrows the money and takes it to him in the afternoon; it is then taken to Kázi Abbás' house, and they finally go to Kirkee and have their interview with Mr. Crawford. It is difficult to understand how all this could have been done in one day, but Phadke says distinctly that it all occurred on the 20th, and that he returned to Shrigonda on the next day, the 21st. Bháo Mashrif contradicts this, and states that the festival of the Shivrátra occurred while they were still at Poona, and it appears from the calendar that in 1887 this festival fell on the 21st of February. He adds that they slept two nights at Poona, whereas according to Phadke's account they could only have been there one night, as they arrived on the morning of the 20th and left on the 21st. Whichever date we adopt for their leaving Poona, it is difficult to reconcile that date with the petition, dated the 21st, which Phadke says was written after his return to Shrigonda.

Ex. IP. As to Jodhráj's story of the mode in which he procured the money on the 20th of February, it is inconsistent with the evidence of Usmán Háji Hasan, from whom he says he borrowed it; and as to the place of borrowing, Bhau Mashrif and Jodhráj differ absolutely, one putting it in the native town, the other in the cantonments, at least a mile from the native town.

Under these circumstances we cannot accept the story, and we are unable to reject the natural and reasonable inference from contemporary documents that Phadke on hearing of his transfer lost no time in petitioning against it; that the petition reached the Commissioner of Dhulia on the 4th of March; that he considered the reasons urged against the transfer to Khatáv to be good, and cancelled the transfer.

Second part of charge. The next head of this charge refers to an alleged payment of Rs. 1,500 to Mr. Crawford through Kázi Abbás.

Charges against Phadke.

Soon after the transfer of Phadke to Karjat, his successor at Shrigonda became aware of the existence in the Mámlatdár's office of a sum of money not accounted for in the examination of the cash balances made by officers in the previous November or December, or in the memorandum by which charge of the mámlat was transferred in

Ex. 18 (*a*). March 1887. He reported the matter to the Assistant Collector, Mr. Harvey, by whom it was in turn reported to the Collector on the 19th or 20th of April. Inquiries were

Ex. 18 (*b*). instituted and explanations called for, and on the 16th of June 1887 the case was fully

reported on by Mr. Harvey in a letter to the collector. The report showed that during the preceding year Rs. 556-15-0 had by orders of Phadke been stopped from the pay of Pátils and Kulkarnis, mainly as a mode of compelling them to do their work promptly and to bring up to proper date village records which had fallen greatly into arrear. No fraud appeared to have been committed, as an account of the stoppages had been kept, and part of them refunded; but Mr. Harvey considered the mámlatdár and kárkúns to blame, the former for making such unauthorised stoppages, and the latter, who had been entrusted with the task of refunding them after Phadke's departure, for concealing the transaction from Phadke's successor. He recommended that Phadke should be reduced and the kárkúns punished. In forwarding this correspondence on the 20th of June the collector expressed an opinion, in concurrence with that of Mr. Harvey, that the conduct of Phadke had been most censurable, and required to be severely noticed. He thought it would be best punished by ordering the reversion of the mámlatdár to his substantive post of head kárkún and stopping his promotion for a year. To this the Commissioner replied on the 22nd, directing the immediate suspension from all employment of Phadke and of Digámbar Daláya, the head kárkún of Shrigonda. He said he took a serious view of the irregularities brought to light, doubted whether Phadke should be permitted to hold even the responsible office of Aval-kárkún, and asked for a full report as to his service and general conduct up to date. On the 9th of July the collector replied, saying that Phadke had no testimonials, that his work was not very good; that he required to be constantly kept to it; that he was himself anxious to make allowances for Phadke's very bad health, but could not justly state that he was a good mámlatdár. In returning on the following day the papers which Mr. Waddington had asked for in order to deal with the head kárkún, Mr. Crawford requested him to state how Phadke had acquitted himself as a magistrate. On the 16th Mr. Waddington returned the papers, stating that Phadke's magisterial work had been fairly good, the decisions in four out of five of his cases having been upheld, and a separate report was promised on the case of Digámbar and the other kárkúns. On the 19th of July the collector reported on the conduct of the kárkúns, and recommended that Digámbar Daláya should be reduced from a salary of Rs. 45 to one of Rs. 40 for one year, and that he should be transferred to another district. On the same date Mr. Crawford issued a circular letter to collectors alluding to this case, saying that there was no suggestion of fraud in it, as a book had been kept in the office showing the deductions, and asking if the practice prevailed in their districts. On the 31st of July he returned the collector's letter of the 19th, saying that he thought the head kárkún would be sufficiently punished by suspension to the 31st of August, and on the same date he decided to suspend Phadke for two months more from the 1st of August, and to transfer him to some other táluka.

Ex. IS.

Ex. IT. His suspension.

Ex. IV. Subsequent proceedings.

Ex. 161.

Ex. 159.

Ex. 161. Crawford's final order.

Ex. IW.

On the 22nd of August Phadke sent from Karjat to the Commissioner a petition in which he expressed his sorrow and surprise at learning that day from the collector of Ahmednagar of the Commissioner's decision in the case, namely, that he was to be suspended for a further period of two months from the 1st of August. He complained of the severity of the punishment for an act done in good faith, and asked for a reconsideration of his case and for the conversion of his suspension into privilege leave. This was forwarded by the collector on the 25th of August and shelved by the Commissioner on the 12th of September.

Ex. IX.

On the 23rd of September Phadke again addressed the Commissioner and collector asking where he was to go to when his term of suspension expired, and to the former he begged to suggest that he did not see any reason why he should not rejoin at Karjat, "for the blame that was attributed to him, if it be blame at all, is from Shrigonda Táluka and not from Karjat." By an order of the 3rd of October he was transferred to Jámner in Khándesh, where he still is.

Ex. IY.

Ex. IZ.

Ex. EW.

The case for the prosecution is that the order of three months' suspension was a milder punishment than Mr. Crawford would otherwise have inflicted, and that it was corruptly made by him in consideration of a bribe of Rs. 1,500 paid through Kázi Abbas by Phadke.

Case for prosecution on second part of charge.

The following is the account of the transaction given by the latter:—

Phadke's story.

"I received an order suspending me from the 1st July. I then came again to Poona with Bháo Mashrif and my brother Bápu. This was two or three days after my suspension. From Karjat I went to Shrigonda and thence to Pimpri by a tonga and thence by rail to Poona. It is two kos from Pimpri to Shrigonda. On this occasion I put up with Rámkrishna Keshav Pendse. He is without employment. I went to see Kázi Sáheb. My brother and Bháo Mashrif were with me. I think I went on

the same day I came here. I had a conversation with Kázi Abbás. I went again on the same day in the evening, I think, to see him. We three went. I think no one else was present at the interview with Kázi Abbás. I also went to see Hanmantráo on this visit. I went alone. I remained in Poona for a day or two and then returned to Karjat. On my way there I went to Nagar to see the collector. On my return to Karjat, in consequence of the conversation with Kázi Abbás I had to collect money. As I did not know anyone at Karjat I communicated with Rámchandra Bháve, of the mámlatdár's office. He got Rs. 500 for me and paid it to me. I had Rs. 600 or Rs. 650 of my own. I drew from the savings bank Rs. 475 and the remainder I had by me. I borrowed Rs. 500 from Bápuráo Ronghe, a sáwkár of Shrigonda. The book shown me is my savings bank book. It shows Rs. 600 drawn on 4th March, 1887, and Rs. 475 drawn on 12th July 1887. The account is at Karjat. Before that it was at Shrigonda. It was transferred to Karjat on the 19th April. I went to Shrigondo to raise the money from the sáwkár. I think I got the money from the sáwkár on the 11th July 1887. Having collected the Rs. 1,600 I came to Poona with it. Bháo Mashrif alone came with me. I came to Poona probably about the 13th July. I put up with R. K. Pendse as before. Next day I got Bháo Mashrif to get for me notes of Rs. 1,500. Having got them I went to Kázi Sáheb with the notes. Bháo Mashrif was with me. After the Rs. 1,500 were changed into notes on the same day, about 2 P.M., I, in company with Bháo Mashrif, went to the house of Kázi Sáheb. From there after engaging a carriage we three went to Mr. Crawford's bungalow, I, Bháo Mashrif and Kázi Sáheb. On this occasion too we went first to the room where the servants sit and from there Kázi Sáheb went alone into the bungalow. After about ten or fifteen minutes Kázi Sáheb returned and asked me to go with him to the Sáheb, as the Sáheb wanted me. I did so. I handed over the notes to Kázi Sáheb, because he asked for them, and he and I went into the bungalow. We saw Mr. Crawford there. Mr. Crawford said to me I had acted very foolishly. I told Mr. Crawford I had not acted dishonestly. The work had fallen into arrears, and therefore I kept in deposit certain amounts of the pay of the village officers in order to get the work done. I kept an account of the deposits, and as the work was done I returned the amounts to them after taking their signatures. I said I did not report about this matter to my superiors. That was my mistake. Mr. Crawford said it was a good thing I kept an account of the amounts, but I acted improperly in not reporting the matter. For that mistake he said I must either revert to a head kárkun's place or remain under suspension for two months. I had already been suspended, so I preferred remaining under suspension to reverting to a head kárkun's place. I then salamed the Sáheb and came out. At that time I saw Kázi Sáheb hand over the packet of notes to Mr. Crawford. Then we three returned home. I was in Poona for a day or two on this occasion. During that visit I paid Kázi Sáheb Rs. 100. I returned to Karjat."

Corroborative evidence.

Kázi Abbás says :—

"I saw Phadke again in the course of that year. Phadke's first visit was about one year and nine months ago. I don't remember the month. The second interview was shortly after the first, about a month after I took him to the bungalow. I don't remember the season. On the second occasion Vithalráo and Bháo Mashrif and Phadke's brother were with Phadke. There was again conversation. After this conversation I went to Mr. Crawford's bungalow. I went alone. I saw Mr. Crawford. I told Mr. Crawford that Phadke was here, that he had been suspended and was desirous of getting his appointment back, and if he succeeded in getting back his appointment he would make a nazar of Rs. 1,500 to the Sáheb. The Sáheb asked me to bring him. I went away. I saw Phadke, who came to my house. I don't remember if anyone was with him. I told him what Mr. Crawford had said. I did not see if Phadke had any money with him then. I first saw him after this occasion seven or eight days after, when he came to see me on his return from his village. I don't remember if anyone was with him or not. He did not show me anything. Phadke and I went to the Sáheb's bungalow. I don't remember if it was the day he came to me or another day. On this occasion I did as on the previous occasion. I seated Phadke near the cook-room and went in myself by the same door. I sent word inside to the Sáheb and then went in to see him. I told him Phadke had come. He asked me to call him, and I did so. This time he saw the Sáheb in a room on left-hand side as he entered the bungalow,—a room with a pardáh. This was the river-side of the bungalow. A conversation took place between Phadke and the Sáheb. I don't remember it. At the time of leaving, Phadke took out a bundle of notes and gave it to the Sáheb.

Phadke told me after we came out of the compound and before we got into the carriage that the bundle contained Rs. 1,500 in notes. After this, Phadke paid me Rs. 100. I don't remember when he paid it. I can't say if it was on same day or on another visit. I don't keep an account of such payments."

Bháo Mashrif says:—

"I saw Phadke again after he went to Karjat. It was about a fortnight or a month after his going to Karjat. I saw him at Shrigonda. I had heard he was suspended. After this we came to Poona together. Phadke and his brother Bápu Dáda were with him. We put up at Phadke's sister's house. We went to the Kázi's, I and Phadke and his brother. I think we went twice to Kázi's. I saw Vithalráo once in the street. I don't remember how long we stayed in Poona on this occasion, whether it was two or three days. From Poona we all then went to Pimpri and thence to Nagar. At Nagar we three stopped two days. Next day we all three went to Shrigonda. Phadke proceeded straight from Shrigonda to Karjat. I don't remember if he stopped at Shrigonda. He returned after two or three days. After he returned, Phadke and I went to Poona. Phadke came from Karjat to Shrigonda and went back again to Karjat without any intervening visit to Poona. He came back next day to Shrigonda; then he and I came to Poona. This time we put up at Náro Apáji Godbole's house. I don't know if he is a relative of Phadke's. He keeps a printing press and has a shop in Budhwár Peth. Phadke had brought cash with him and I changed the cash into notes. On one occasion I got notes of Rs. 400, on another notes of Rs. 1,100. I went to the bázár twice on the same visit in one day. I could not carry the whole amount at one time. I don't remember where I got the notes. I got them all from one place. There were two notes for Rs. 500 each. The others were of small denominations. I got the notes on the day we arrived in Poona. Phadke and I went to the Kázi's either the same day or the next? I don't remember which. We went at about 2 p.m. Phadke and I saw the Kázi. Phadke, the Kazi, and I got into a gári and drove to the Commissioner's bungalow. I don't remember where it is or on what road it is. I only went there that one time. After we got there we three got out of the carriage and went inside to a room. I don't remember where the gári was when we got out. I don't remember if it was on the road or in the compound. We went inside the room. When we reached this place it was the afternoon. We stopped at the Kázi's about two hours. We were all three inside this room. The room had only one compartment. I believe there were sipáhis' things there, but I don't remember. There were no patáwálás there. I saw no beds there. I don't remember what things were there. It did not look like a Sáheb's room. There Phadke took out a bundle and gave it to the Kázi. I had not seen the bundle before, and at the time I did not see what it contained. I remaided sitting in the room, and Kázi and Phadke went away to somewhere. I did not see where they went. They were away about 30 minutes. When they came back we got into the gári and returned to Poona. I stayed in Poona. I don't remember how long. Probably two or three days. Leaving there I went with Phadke to Shrigonda. Phadke went on to Karjat. Before I left Poona I did not see Phadke pay any money to anyone."

Mr. Crawrord's evidence on this story is as follows:— **Crawford's evidence.**

"The first time I saw Phadke to my knowledge was after he was suspended in 1887 for some irregularity. He did not come to me in February 1887 with Kázi Abbás or anyone else. The whole account given by Phadke is an absolute fabrication from beginning to end. When he came to see me he came alone. He gave me his explanation of what he was charged with. I can't remember the details of what he said. He said he had been much misrepresented by his successor and his fault magnified, and he had only acted as he had out of an excess of zeal to get work done. He thought it a common thing to do. In consequence of this I sent a circular throughout the Division to know if this was the practice. I ultimately suspended Phadke for a further two months. I had no dishonest motive whatever in inflicting that punishment. I never received any money directly or indirectly from Phadke. I never told him he would be suspended for two months. I did not tell him how I would dispose of his case. I gave him no choice of punishments. I gave him no idea on the subject. The other interview he speaks of is entirely untrue. I had only one interview with him. He never came to my bungalow with Kázi Abbás. There is no room for sipáhis at my bungalow. There is a night guard, but no day guard. The night guard has no accommodation at my bungalow. My house has no little room apart from the main building towards the river. The verandah goes all the way round the drawing- **Ex. 159.**

room. The porch on the south side was used as a conservatory. It had a foot entrance from the river side. The other end was blocked up with plants."

Evidence of witnesses for prosecution considered.

Here again, as in the first part of the charge, we have the same discrepancies in the stories of the witnesses for the prosecution. Phadke and Bháo Mashrif differ as to where they put up when they came to Poona on each visit, they differ as to the day on which the cash was changed for notes, and they differ materially as to what took place in the room at Kirkee, and as to the stage of the business at which the notes were handed over to Kázi Abbás. Kázi Abbás, on the other hand, differs from Phadke and Bháo Mashrif as to the place they first went to on Mr. Crawford's premises, and from Phadke as to the way by which they entered the bungalow; he has no recollection of what passed at the interview, and differs irreconcilably from Phadke, the only other witness to it, as to the person who handed over the bundle of notes to Mr. Crawford. The story of Phadke having carried with him Rs. 1,600 in silver on the journey from Shrigonda to Poona without its being noticed by his fellow traveller Bháo Mashrif is improbable. When they got to Poona and Bháo Mashrif undertook, as he says, to change the money, he found Rs. 1,500 too much to carry with him at one time. Accordingly he made two journeys to the bázár, changing Rs. 1,100 on the first and Rs. 400 on the second occasion. He at first said he did not know the shop where he got the notes, but when questioned by us he said he could, if desired, point it out. On this hint the prosecution acted and applied, some days after Bháo Mashrif was examined, for a summons to a shroff said to have been the man who sold the notes. This man attended and was examined on the 19th of December, producing two books which gave no support to Bháo Mashrif's story; for the entry put forward by the prosecution showed the sale on the 16th of July of one

Ex. ME.

note for Rs. 1,000 to some person not named, not the sale of two notes of Rs. 500 each some days earlier, which is the case for the prosecution. Some obscurity was pointed out as to the precise effect of the entry whether the word translated "note" was in the singular or plural, but the man who made the entry was clear that it means one note. It may be true that Phadke borrowed Rs. 500 from a banker at Shrigonda, and a similar amount from the kárkúns at Karjat, and that he withdrew from his savings bank account Rs. 475 on the 12th of July 1887; but for the purposes to which this money was devoted we have only his own word, and although he was under suspension for three months afterwards he repaid the borrowed money, Rs. 1,000, by April. In this part of the case, as in the former, Phadke's petition is inconsistent with his story, for in it he protests against the order which, it is said, he paid Rs. 1,500 to obtain.

We are not disposed to think that any undue leniency was shown towards Phadke by Mr. Crawford and we see nothing in any of the orders which gives rise to suspicion. The fact that Mr. Crawford, on the same day on which he passed the final orders respecting Phadke, awarded a still milder punishment to the head kárkún confirms this view.

We are of opinion that Mr. Crawford is not guilty of this charge.

Raghunáth Ganesh Támbe's Case.

Charge.

The charge is "that you personally, on or about the 13th day of October 1887, "corruptly received the sum of Rs. 700 from Raghunáth Ganesh Támbe, treasurer, "Koregaon, Sátára District, as an inducement to show favour to the said Raghunáth "Ganesh Tambe in your official capacity of Commissioner, Central Division."

Támbe's services.

Támbe was in 1887 mámlat treasurer at Koregaon in Sátára District on a salary of Rs. 35 per mensem, which post he still holds. He had been then some 25 years in Government service, and was 46 or 47 years of age. In May 1875 he passed the examination for 3rd class magistrate and in 1877 acted as mámlatdár for a month, and

Ex. JU.

subsequently on different occasions acted as head kárkún, but obtained no permanent promotion.

Crawford's letter.

On the 17th November 1887, Mr. Crawford wrote to the collector of Sátára the following note, which has been produced by the prosecution presumably from the records of the Sátára district:—

Ex. JS.

"I shall be awfully glad if at next aval-kárkún's vacancy you can give it to Raghunáth Ganeshe Támbe Khajindár, one of the old school, who has had a real bad time though he has even acted as mámlatdár. Though he is *not* a B.A. I should not object on occasion like this to let one of the old school be aval-kárkún. I am sure the B.A.'s have nothing to complain of in this division."

On this note is the following endorsement in the collector's handwriting in pencil :—

"I have not seen my way to this without distinct breach of standing orders. From inquiries, if these are to be departed from, I think there are very old servants not B.A.'s with better claims still to consideration."

The case for the prosecution is that the letter was corruptly written in consideration of the payment referred to in the charge. Case for prosecution.

R. G. Támbe in his examination-in-chief gave the following account of the transaction :— Támbe's story.

"I know Rájárám Gopál Kulkarni. His village is Ambanda in Koregaon tálukdad I remember Rájárám going to Poona last year. I made some communication to Rájárám before his going to Poona. I do not remember the date, but I know it was in the beginning of October 1887. While he was absent I received a letter from him. The letter shown me is the one. The cover shown is not. I have not got the cover in which it came. I sent a reply on a post-card. The card was returned to me by the post office. The post-card shown me is the one. On looking at its date, I say that Rájárám came to Poona at the end of September. Rájárám came back. I do not remember when I saw him back in October. I had a conversation with him. I provided myself with money in consequence of this conversation. I wrote to the Sáwkár Balwantráo Agáshe of Pátan in Sátára. I received from him a hundi of Rs. 500. With the hundi I came to Poona with Rájárám on either the 10th or 11th of October. I put up at Sitárám Bápuji Kalamkar's, Sadáshiv Peth. We arrived here at night. The following morning Rájáram and I went to the Kázi's house. Rájárám pointed it out to me. I had some conversation with the Kázi. Rájárám was present. I went to Mr. Crawford's bungalow on the 11th. I do not remember if it was the same day I went to the Kázi or not. I and the Kázi went to Mr. Crawford's bungalow in a tonga. The tonga was taken to the back of the bungalow. It was stopped near the gate by the stables. I and the Kázi got out of the tonga. The Kázi went in first to the compound. I remained in the carriage. It was about 3 p.m. I was kept waiting ten or fifteen minutes. I was then called in by a patáwála, I went in to the Sáheb. I saw him. The Sáheb was Mr. Crawford. Kázi was there also. The Sáheb asked me who I was. I told him. He asked me why I had come. I told him I was a servant of twenty-five years' standing, that I had not obtained a head kárkún's place, that I had come to request him to give me a kárkún's place of Rs. 60. I also stated that I had worked as head kárkún for one year continuously, and that I had been in charge of a mámlat for one month. The Sáheb asked me if I had passed either the Lower or Higher Standard examination. I told him I did not know English, that I was a Maráthi-knowing man, but had better claims, as I was an old servant, and that I ought to get a place. The Sáheb said, 'I will give you a place, you will incur expense.' I said 'Yes' to that. He then said 'About the expenses the Kázi will tell you. Do as the Kázi tells you.' To that I said, 'I will pay money, but I should be charged according to my means.' The Sáheb asked me to leave and directed me to act as the Kázi would tell me. I then left and returned to Poona with the Kázi. On the way I had some conversation with the Kázi. He said I would be required to pay in all Rs. 900. He gave me the details. He said Rs. 200 would be for himself and Rs. 700 for the Sáheb. I agreed to it. It was settled that the money was to be paid directly. This was not the first time the Kázi had mentioned the amount. As well as I remember he mentioned it to me at his own house at the interview I have stated I had with him. In consequence of what had taken place I next day went again to the Kázi's. I had nothing with me then. I had some conversation with the Kázi. After that I went to Antáji Keshav Sáthe's and cashed the hundi on the 12th, getting Rs. 400 in cash and one note for Rs. 100. I made at the time a note on the cover which was shown me before. That cover had contained the hundi which had been sent be by Balwantráo. Ex. JX. Ex. JY.

"Besides the Rs. 500 I got from Sáthe I got money elsewhere. From Krishnáji Rámchandra Joshi, Inámdár of Erphal, táluka Pátan, I got Rs. 300. He was in Poona at the time at his house. I went home to my lodging then after cashing the hundi and borrowing the Rs. 300. Next day in the morning I went to the house of the Kázi. Rájárám and I went. I took nothing with me. I had a conversation there. Nothing else took place. From the Kázi's we returned to our lodging. After our meal we returned again to the house of the Kázi. We took the bag of money and the Rs. 100 note. The Kázi asked me to change the cash into notes. I gave the Rs. 700 to Rájárám, He went out and returned with notes. I took those notes from him and put with them my Rs. 100 note. The Kázi then said, 'We will now go to the bungalow at Kirkee,' and he sent for a tonga. We drove to Kirkee in the tonga,

I, Rájárám and the Kázi. It was between 3 and 4 p.m. We went to the back gate, the same one where we had gone on the previous occasion. The tonga was stopped at the gate. The Kázi got out and went in. We had to wait for some time. The Kázi did not return. A patáwála came and told me the Sáheb was out and that we should have to wait. We waited. I remained sitting in the tonga. After the Sáheb returned I went in. I left the tonga, entered the gate, and leaving the stable on my left I proceeded on to the place where there are butlers' rooms, and when I got there the Kázi came up to me and asked me to separate his Rs. 200 from the rest of the money. I followed the patáwála to get to the Kázi. The Kázi told me to keep the Rs. 700 by me. I told the Kázi I had with me only Rs. 800. I would take out the Rs. 100 note and keep it separate from the rest. I put the Rs. 100 note in my pocket and kept the notes for Rs. 700 in my hand. The Kázi then took me to the place where the Sáheb was sitting in the bungalow. I went into the bungalow. The Sáheb again asked me who I was. I mentioned my name to the Sáheb. I told him I wanted a Head Kárkún's place, and that I was the same person who had come to him a short time ago. The Kázi then said to me, 'Pay the money.'

"I stated I have come to apply for a place of Rs. 60. I have stated the whole of my case, and I should get a place of Rs. 60. I asked the Sáheb not to raise any objection on account of my not having passed the Lower and Higher Standard. I said, 'Give me an appointment, for which here are Rs. 700.' At that time a vacancy was about to occur of a Rs. 60 Head Kárkúnship in Sátára taluka and I asked the Sáheb to give me the place. The Sáheb agreed to that; he said 'Yes.' When I said 'here are Rs. 700,' I put the notes in the Sáheb's hands. The Sáheb got up, went into a room, put the money there, and then returned. The Kázi then asked me to leave. I returned to the tonga, got into it and remained sitting there till the Kázi came. After the Kázi came we returned to Poona to the house of the Kázi. The Kázi asked me to pay his money. I told him I had with me Rs. 100. I handed over this to him and asked him to receive it. I told the Kázi I would leave Poona for Koregaon next day, and after the Diwáli holidays I would send a money-order for Rs. 100. I am not sure if any one else was present at the Kázi's at this time. I believe two others were there. Rájárám was present at the Kázi's. He was one of these persons, and the other was, I believe, the Faujdár, who lives at the Kázi's. The Faujdár's name is Duli Khán. I was told by the Sáheb when I paid him the money to write out a petition stating my case and what I wanted. I was told to hand over the petition to the Kázi and then to leave Poona. I made the Maráthi draft of a petition. I got this translated into English by a person who lived near my lodging. He was an acquaintance of the person with whom I was putting up. I do not know the man or his name. I asked the same person to fair copy the English version, and then I signed it. I took it to the house of the Kázi and showed it to him. There was one man there who knew English, but he was not an acquaintance of mine. Rájárám and Duli Khán were there. The Kázi did not approve of the petition. It was read by the man who knew English. He was a Bráhman. When the Kázi disapproved of the petition he said he would take it to his petition writer, Bháskarbhái, and would ask him to write it out. A tonga was brought and in it I and the Kási and the Faujdár and Rájárám went to Bháskarbhái's house near the market. The Faujdár remained in the tonga and we three went upstairs. The Kázi and Bháskarráo had some conversa-
x. JP. 1 tion together, and after it the petition was altered by Bháskarráo. The petition shown me is the one.

"I got a fair copy of this draft made by Bháskarbhái. I took the draft and the fair copy back to my lodgings. I paid Bháskarbhái Rs. 2. He asked Rs. 10. The next morning I went to the Kázi's and handed over the fair copy to him and kept the draft with me. I then returned to Koregaon. I returned the day before the Diwáli. After the Diwáli I sent the Kázi Rs. 100 as promised. I sent it by a money order. I
x. JQ. produce a postal document dated 22nd October 1887. There was a vacancy of Head Kárkun in Sátára Taluka in November. The pay was Rs. 60. I came to Poona in that month after the vacancy had occurred. I saw the Kazi. I had some conversation with him. After that I went to the Sáheb's bungalow at Kirkee with the Kázi and the Faujdár. I did not see the Sáheb. The Kazi went into the bungalow. On his return he told me the Sáheb had ordered me to leave and he would write to the Collector. I returned to Koregaon. After my return there I received a telegram. The telegram shown me is the one I received. In consequence of that telegram I
x. JR. came to Poona and saw the Kázi. The Kázi told me a demi-official was sent by the Sáheb about the appointment which I wanted, and that I should go and see the Collector about it. The Collector came to Koregaon. I did not get the place; some one else was put in. After that I wrote to the Kázi. I wrote several letters to him.

The three letters shown me are three of those I received from him. They came in the covers in which they are now. After an interval I received this fourth letter shown me in the cover now with it. I received no signed reply to my letters. In April 1888 I came to Poona and saw the Kázi. He asked me to get another petition and he said he would take me to the Sáheb. He did not tell me where to get the petition written. He accompanied me to Bháskarbhái, as I said I had no money. Bháskarbhái was not at home. The Kázi wrote a letter to Bháskarbhái and told me to wait with it there. He then went away. I waited there till Bháskarbhái's return. I read out the Kázi's letter to Bháskarbhái when he returned. He said he could not read it. The letter shown me is the one. It is in Modi. I had prepared a draft petition in Maráthi before I went to Bháskarbhái's, at the house of the Kázi's. Bháskarbhái also prepared an English petition. The document shown me is the draft petition so prepared. Ex. JU.

Ex. JU.

"I got a fair copy made. I saw the Kázi again. He said he should go to the bungalow, and I, Kázi, and Duli Khán went there. I did not see Mr. Crawford, as the Kázi told me the Sáheb was ill and was not dressed, and that I should call at the bungalow next day. Next day I went with the Kázi. I don't remember if Rájarám was there. I saw Mr. Crawford. The Kázi was present at the interview. The Sáheb said he had written to Nagar about giving me the appointment, but he had received no reply; that he would appoint me after receiving a reply from the Collector. There had been a reference to this letter to the Collector in one of the Kázi's letters to me. I told the Sáheb that a great delay had occurred in getting my business done, that I had had to borrow money from other people, that he should be so good as to do my business within a month, or else to return the money. The Sáheb said, 'Very well.' Before I came to Poona on this occasion I had received the letter shown, in the cover shown me. I left Poona and returned to Koregaon. I waited and got nothing. I next came to Poona on the 2nd July 1888. In the interval I had written to the Kázi and received an unsigned letter. The letter shown me is one of those I received. I went to the Kázi's, but did not see him, as he had gone to Bombay. I saw him on his return on the 4th or 5th. The Kázi and I went to the Sáheb. On this occasion the Kázi left me outside and he himself went in. He returned and took me in. I said my business was not done, and therefore the money should be returned to me, and if the money was not returned I would send in a petition to Government. The Sáheb asked me to stand outside a little. The Kázi remained with the Sáheb, and they had some conversation together. The Kázi came out to me. He said to me, 'Come along with me. I have got your money. I will give you your money.' I then went away with the Kázi. The Kázi said to me, 'Take this your Rs. 700 and give an acknowledgment for the whole amount.' He showed me some notes. I said 'I must have my Rs. 900 in all, and then I would give an acknowledgment.' The Kási said, 'You will not get 'all your money. I will keep my own money, my Rs. 200, and I shall let you have the 'rest.' I persisted, and he did not give me my money. I went to him again the next morning. I saw the Faujdár. He was upstairs. The Faujdár made a communication to me. He took me on one side to do so. After this conversation I saw the Kázi. The Kázi said he had received in all Rs. 900. Out of that sum I should allow the Kázi to take Rs. 50 for his trouble, and Rs. 50 out of the Rs. 850 would be paid me by Rájárám whom the Kázi would get to pay it me. I said, 'Very well, I will agree if a writing for Rs. 850 be given.' A writing was accordingly made out by the Faujdár and signed by Kázi Abbás on a stamp. I produce the writing. I have never received any of that Rs. 850 either from the Kázi or Rájárám. I have asked both of them for the money. I have not repaid the money I borrowed from Balmantráo Agáshe or from K. R. Joshi, the Inámdár." Ex. JW.

The two principal witnesses in support of this story are Rájárám and Kázi Abbás, who tell in the main the same story but with many variations. These are both witnesses of an untrustworthy class, Kázi Abbás of the worst possible type. The other witnesses for the prosecution are the following. Bháskarbhári testifies to correcting the draft petition dated 14th of October 1887, for Támbe and a Bráhman who accompanied him, and making a fair copy of it, and also to preparing the subsequent petition. We see no reason to doubt this witness. A partner from Sáthe's bank proved that he cashed a hundi for Rs. 500 for Támbe on the 12th of October, by a reference to his book which he produced. We see no reason to doubt the account. One Joshi gives evidence as to a loan of Rs. 300 to Támbe at Poona in October 1887, but has no account book and no written acknowledgment for the money. Duli Khán speaks to having written on Kási Abbá's behalf certain letters the genuineness there is no reason to doubt. He also speaks as to a bond, to which we shall refer later on. Corroborative evidence. Ex. JP. Ex. JV. Ex. KF. Ex. JZ. Ex. KA. Ex. KB. Ex. KD. Ex. JW.

Crawford's evidence.

Mr. Crawford's evidence regarding this story is as follows :—

"I remember seeing R. G. Tambe at my bungalow. He came alone. I saw him sitting in the upper porch on the roadside of the bungalow, where respectable people always sit. He looked like a respectable Bráhman. A sipáhi announced him and I called him into the inner hall where I always sat, between the dining-room and porch. (Mr. Crawford points out the place where he sat the place marked 'Hall' on the plan exhibit JN). I passed the greater part of the day there. That is the place I saw all visitors. I gave Támbe a chair and asked him who he was. He said he was treasurer of Koregaon. I asked him what he wanted. He told me he wanted a special case made in his favour and to be restored to the place of head clerk which he had once occupied. He mentioned also that he had once acted as Mámlatdár, but that his career had been quite ruined by the rules as to promotion of graduates to Head Kárkúnships. He said special cases were made in cases of old servants like himself, and he thought he ought to be one of them. I told him the matter lay with the Collector, who had the appointment of Aval-kárkuns. We then had a long talk about Sátára, where I had been Assistant Commissioner at the beginning of my service. He knew something about the old Government servants in my day and he talked about them and about Koregaon, where I have encamped more than once, about the effects of the railway, and so on. I was very favourably impressed with him as he seemed a very intelligent sort of man. To assist him I wrote a letter to Mr. Grant. I said if the Collector made a special case I should have no objection. I think I gave him a demi-official note to Mr. Grant. It was written then and there. That was the only interview I ever had with Támbe. I never saw him again. Until I saw the letter I had forgotten all about him. The name conveyed nothing to me whatever. All the accounts of interviews with me spoken to are fabrication from beginning to end. I knew nothing about the correspondence with Kási Abbás which has been put in. I never spoke to Kázi Abbás about Támbe, nor did I know he knew him. I never received any money from Támbe directly or indirectly. Except for the letter I wrote to Mr. Grant I took no steps to get him any appointment. Appointments of Head Kárkúns and Mahálkaris the Commissioner has nothing to do with.

And in cross-examination :—

"I only saw R. G. Támbe on the one occasion he came to my bungalow. Before I recommended Támbe to Mr. Grant I think he showed me his certificates, perhaps also his service book. I made no further inquiry as to his qualifications before writing the letter to Mr. Grant. The letter I do not call a recommendation. In writing the letter I was actuated by his intelligence and the talk about old times and the circumstances he mentioned, specially the fact of his career being spoiled by the new rules. There are many such hard cases. It is a matter of general complaint. I thought his might be a special case. He said he had been a Head Kárkún and had acted as Mámlatdár. I did not know how long he had acted and made no inquiries. I do not know it was for a period short of two months. I have no reason to suppose it was a longer period. R. G. Támbe has no motive of ill-will against me that I can suggest."

Evidence for prosecution considered.

That Kázi Abbás obtained money from Támbe we entertain no doubt; the contemporary documents show it. Whether he got any such sum as Rs. 900 may, we think, well be doubted. Apart from the evidence of the three principal witnesses, that sum

Ex. JX.

is supported only by two documents. It is first mentioned in the letter of Rájárám to Támbe without date. But the cover of that letter has not, like the covers of the other letters, been preserved, nor is there anything to show that it ever passed through the

Ex. JW.

post. The bond, as it is called, also purports to show Rs. 850 due from Kázi Abbás to Támbe. But the evidence of the witnesses who speak to this document is so discordant that we entertain much doubt as to its genuineness. The real question in the case is, however, whether Mr. Crawford was a party to this transaction, whatever the amount paid may have been.

Contradictions.

In addition to the untrustworthy character of the principal witnesses there are contradictions between the two who speak to the only part of the case that affects Mr. Crawford, namely, the alleged interviews with him, which would go far to shake the credit of witnesses *primâ facie* credible. But we think it unnecessary to dwell upon them in detail, because we think the story of these witnesses is disproved by considerations of a broader kind, its extreme improbability, and its inconsistency with

Improbabilities.

undoubted facts and with contemporary documents. It is scarcely credible that a man of 46 years of age and 25 years' service should pay or agree to pay Rs. 900 for an increase of pay of Rs. 25 per mensem. The principal alone would absorb tho increased

salary for three years. It is still harder to believe that he should pay this sum to a man who, he knew, had not the appointment in his gift and who could at most give him a friendly recommendation to the man who had. It is equally hard to reconcile the story of the alleged specific bargain and payment of money in October with the fact that Mr. Crawford's letter to Mr. Grant was not written till the 17th of November.

Comparison with documents.

The documents which are important for the purpose of testing the story are the telegram said to be of the 18th November, and Kázi Abbás' letters of the 21st November, 26th November, 9th December, 24th February, and 12th April. If Kázi Abbás had really known of Mr. Crawford's letter to Mr. Grant of the 17th of November, he might well have written or telegraphed to Támbe to go to the Collector of Sátára, but we cannot see any reason for his telegraphing to him the next day to come to Poona. The letters speak of the money which had been paid as a deposit for which Kázi Abbás was responsible. They refer to complaints not of breach of faith on Mr. Crawford's part, but of carelessness on the part of Kázi Abbás. The first of them, that of the 21st November, shows the writer ignorant of the real nature of Mr. Crawford's letter of the 17th, but anxious to appear to know all about it. The second of the 26th November contains statements about a post to fall vacant in Nagar in about a fortnight, for which if there were any foundation the prosecution could easily have shown it. All that has been done is to put in a resolution of Government of the 28th July 1888, which seems to show that three months after the date in question, on the 15th February, the Head Kárkún of Shrigonda in the Nagar District retired from the service. Seeing that the evidence on both sides shows that the Commissioner has nothing to do with the appointment or retirement of Head Kárkúns and no means of knowing what is taking place with regard to them, it is, we think, impossible to connect that incident with this letter. The third letter of the 9th of December purports to refer to official communications which, if they ever passed, ought to have been forthcoming and are not. The next letter of the 24th February seems to show that the writer had then heard something of the retirement of the man at Shrigonda, but it refers to alleged official communications of which no trace has been found. The last two letters are of less importance. These letters seem to us to show some points clearly. They show that Kázi Abbás had obtained money from Támbe, in some sense as a deposit, probably upon some promise to repay it if Támbe should not obtain his object. They show also that he was trying to clear himself from the charge of negligence, and giving any excuse that he could find for that purpose. They show further that he was pretending to possess knowledge of official matters, but had in fact none but what he could pick up like anybody else.

Ex. JR.
Ex. JZ.
Ex. KA.
Ex. KB.
Ex. KC.
Ex. KD.
Ex. KE.
Ex. JZ.
Ex. KA.
Ex. KF.
Ex. KB.
Ex. KC.

Mr. Crawford's account of the transaction seems to us natural enough. His writing the letter of the 17th November was, we think, no more than a piece of easy good nature. And in the course of our inquiry more than one instance has come to light of somewhat similar letters written by one officer to another.

We are of opinion that Mr. Crawford is not guilty of this charge.

G. B. Bárge's Case.

This charge was abandoned after it had been partly heard. It is unnecessary to say more about the case than that some passages in the evidence have been relied on by one side or the other as bearing upon other cases. The Advocate General relied upon the fact that Bárge asserted that Kázi Abbás had taken him to Mr. Crawford and procured an interview for him. Mr. Crawford contradicted this assertion. On the other hand, the description which this man gives of Kázi Abbás' representations tends to confirm the view that Kázi Abbás was endeavouring to obtain money by false statements. He says, "The Kázi told me that money would be required for expenses. "He would have to fight about it in Government, and also to fight about it in "England." And this witness, contradicting the two Pátils who gave evidence in another case, says that he and the Pátils, when they came to Poona to make their statements about the matters we have had to inquire into, came in charge of a police officer.

Govind and Dáji Pátils' Cases.

Charge.

The charges are "that you personally on or about the 8th day of June 1888 corruptly "received the sum of Rs. 400 from Govind bin Bábáji Pátil of Válva in the Sátára "District, as an inducement to favour the said Govind bin Bábáji Pátil in your official

" capacity of Commissioner, Central Division, in the matter of a petition presented by " the said Govind bin Bábáji Pátil and bearing date the said 8th day of June 1888," and " that you personally, on or about the 8th day of June 1888, corruptly received " the sum of Rs. 400 from Dáji bin Nána Pátil of Válva in the Sátára District as an " inducement to favour the said Dáji bin Nána Pátil in your official capacity " of Commissioner, Central Division, in the matter of a petition presented by the said " Dáji bin Nána Pátil and bearing the date the said 8th day of June 1888."

Claims of the Pátils.

These two men belonged to a family in Válva in the Sátára district, which had, or thought they had, claims to a watan in that place. The watan was divided into two portions, or takshims, known as the Marátha takshim and the Jain takshim. Dáji's father had, it is alleged, served as police pátil in the Marátha takshim and was succeeded by Govind who held the post for 10 years. On the expiration of this term Dáji expected to succeed him and was actually appointed, but the order appointing him was reversed in appeal, owing, it is said, to the omission of his father's name from the watan register. Govind who had served his turn as police pátil in the Marátha takshim claimed some interest in the revenue pátilship, whatever might be the rights in the Jain takshim.

Case for prosecution.

The case for the prosecution is that Mr. Crawford accepted a bribe of Rs. 400 from each of these two men on the same occasion in order to support their respective claims, and that he suppressed their petitions then presented to him.

The case rests altogether on oral evidence and it is desirable to let the witnesses tell so much of the story as is material in their own words. Govind and Dáji agree in saying that they came to Poona and had an interview with Kázi Abbás in March 1888; that in consequence they returned to their village and came back to Poona in June. Dáji's account of what passed during that visit to Poona was given as follows:—

Dáji's story.

" We next came back to Poona after about two months. It was about June when we came to Poona. I don't remember the Maráthi month. I brought money with me, about Rs. 500. Two others came with me, Báwáji Makdum and Dáda Jádhav. Govind also was with us. Govind had money with him, but I can't say how much. We brought the money in consequence of what had been said at the interview which took place at the former visit. On this second occasion we all four put up at Shankarshetji's. Dáda took his meals elsewhere. I had about Rs. 300 or Rs. 400 of my own money and Rs. 100 I borrowed from a sáwkár. The sáwkár was Hari Váman Deshpánde of Válva. I pledged my ornaments with him and received the advance. The money I had of my own was the sale proceeds of my corn. On the morning after we arrived in Poona we went to Kázi Abbás'. Two of us went—Govinda Bábáji and I. First we made inquiries and afterwards we all four went. We saw him the first time. We went again in the afternoon, all four of us. There were some people there whom I don't know. The Kázi was there. There was one Bhái Sáheb there, and the Kázi told him to write out petitions for us. That is all that happened. We then returned to our lodging.

" Next day we again went to the Kázi's house, all four of us. We took the Kázi with us and we all went to the house of Bhái Sáheb. I showed him my papers and he drafted a petition. He sent the draft to be printed. The Bhái Sáheb gave it to his man, who took it to a printing press. The man gave instructions. We went also to the Sáheb with the Kázi. The Kázi took Govinda and me in his carriage to the Sáheb's bungalow. I was told it was the Commissioner's bungalow he was taking us to. We got out there by the side of the road. The Kázi went inside the Sáheb's bungalow. We remained sitting outside the bungalow in a verandah. The bungalow was at a little distance and we were seated in the verandah connected with the bungalow. The Kázi returned and called us in. I had to walk through a covered passage from the verandah where we were and by that I reached the Sáheb. We people don't understand the doors and entrances of a bungalow. When I saw the Sáheb, Kázi Abbás was present at the interview. The Kázi Sáheb stated our cases to the Sáheb. The Sáheb said to us, ' Do what the Kázi will tell you.' After this we left. This may have been before we went to the Bhái Sáheb to have our petitions prepared. I got my petition prepared and printed. I paid Bhái Sáheb Rs. 20 for his trouble and Govinda also paid the same. I also paid Rs. 3 or 4 printing charges. The next day we all four went to Kázi Sáheb's house. The petition prepared was in English and a Maráthi translation was given to me. The petition was written at the dictation of Bhái Sáheb. The document shown me is the Maráthi copy given me by Bhái Sáheb. I can't read English. I can read Maráthi. When we went to Kázi's

house, I took Rs. 450 with me. Govinda had money with him I believe. The Kázi Sáheb said he would take us to the bungalow. I said I had not the full amount with me. He took us all four to the bungalow. I took Rs. 400 with me. Rs. 50 I paid to the Kázi before leaving his house. Govinda also paid Rs. 50 to the Kázi. All four of us got out of the carriage at the bungalow. Including the Kázi there were five of us. The Kázi went in first, with Govinda and myself, into the compound, and sat in the verandah. I should say it was the same verandah. We left the others by the side of the road. The Kázi went into the bungalow. He called us and we two went into the bungalow. I saw a Sáheb. Our petitions were taken. The document shown me is a copy of my petition in print which I have preserved. I had taken three or four printed copies. This is one of them. Ex. JH.

"The Sáheb asked Govinda if he was willing to accept a 4-anna takshim. He said he was. Then we came out. The Kázi told us to put down the money on one side and we did so. I myself put down Rs. 400 in a bag. The whole sum was in cash. Just behind there was a room and I put them down there as the Kázi directed me. The Sáheb was standing outside that room. The Sáheb was five or six háth from the place where I put the money. I don't know if the Sáheb saw me put down the money. Govinda put down about Rs. 100. They were loose, not in a bag. Govinda, I think, put down the money first. Besides putting down the rupees, Govinda handed over two or three notes to the Kázi. I don't remember what the Kázi did with the notes—whether he gave them in the hands of the Sáheb or not. Then I came away. Govinda followed me immediately afterwards. The Rs. 400 and the Rs. 100 were left where we placed them. The Kázi brought the bag back. He stayed behind to do this. I took nothing back with me except the empty bag. Govinda and I returned to Válva. About 15 days afterwards I received a letter from the Kázi, not signed by any one. The letter and envelope shown me are those received by me. In consequence of that letter I and Govinda came to Poona again, leaving Válva. About two or three days after we saw the Kázi. In consequence of what he told us we went to Sátára. From there I came back alone to Poona. I do not remember the date. I don't know about Mr. Crawford's suspension. I went from Sátára to Poona straight, not through Válva. In Poona I went to Kázi Abbás' house. He was not at home. I waited till he returned from Bombay. I waited one day, I saw him then and had a conversation with him. After that I returned to Válva. It was because I heard nothing of my petition after leaving it with the Sáheb that I went to Sátára to make inquiries. There has been no result of my petition."

Govind states :—

"I came again to Poona after about one or two months in the month of June. I brought rupees and notes with me—notes of the value of Rs. 300 and Rs. 200 in cash. The money was my own. I got it by the sale of my corn. On this occasion also Dáji came with me, as did Dáda Jádhav and Bábáji Makdum. We brought these two last with us. When we got to Poona, we put at Shankarshet's. We went one day in the morning to the Kázi's—Dáji and I. The day we went was the next one after we reached Poona. We saw Abbás that morning. After that we all four went to the Kázi's house in the afternoon of the same day. We saw the Kázi and Bhái Sáheb, who was upstairs in the bungalow. Bhái Sáheb is a Bráhman. I am told he is a writer. I do not know if he does that business. The Kázi Sáheb in my presence asked Bhái Sáheb to draft a petition for us. This was at the Kázi's house. He was also told to charge for it. We returned home after this to our lodging. Next day Dáji and I went to the Kázi's house. The Kázi Sáheb asked me to go with him to see the Sáheb. We went. I don't know Poona well. The Kázi Sáheb and we went to the Sáheb in a carriage. We went a mile or two or three. We first drove through the town towards the river. When the carriage stopped, the Kázi took us to the Sáheb. The carriage stopped by the side of the road. We went into the bungalow. For a short time we were asked to wait outside in the verandah. Then the Kázi called us inside. The Kázi had gone on before. We went in. The Sáheb was there. I saw him. He said, 'Do as the Kázi will tell you.' That was all that happened. We then left and returned. The Kázi then asked me to get my petition ready. The Kázi took me to Bhái Sáheb's. Dáji and I and the Kázi Sáheb were there. We got our petitions written and they were printed. They were printed at the 'Satya Mitra' press. I paid for the printing Rs. 3 or 4 and for writing them Rs. 20. Govind's story.

"I had a Maráthi copy of it, the one shown me. After the petition was printed, we went the next day to the Sáheb. Dáji and I, and Dáda and Bábáji and the Kázi went. At about 2 in the afternoon we went in a carriage. We took the rupees and notes. I took Rs. 100 in cash and notes for Rs. 300. Before we started I had given the Kázi

Rs. 50. At the Sáheb's bungalow Dáda and Bábáji remained outside, on the road. They remained sitting in the carriage. The Kázi went inside, and we remained standing in the verandah in the same place where we went on the first visit. Then the Kázi went inside and shortly afterwards he called us. We went and presented our petitions to the Sáheb. We went into the bungalow. We walked towards the north and got into the bungalow. We did not leave the verandah to get to the bungalow. We went along a passage. The Sáheb was sitting on a chair facing west; he was in a room. We gave our petitions into the Sáheb's hands. He remained sitting. I handed over the notes to the Kási and poured the rupees on the ground. I had carried the cash in the end of my dhoti tied up. I do not remember what the Kázi did with the notes. I did not see. I poured out the rupees in a corner close by where the Sáheb was. We were told by the Sáheb that we would come to know about the petitions afterwards. I was asked by the Sáheb if I was willing to have Dáji Pátil's name inserted in the watan. I said I had no objection. After this we were told to go, and we both left. We found Bábáji and Dáda in a carriage. While in the bungalow I saw Dáji also pour out rupees. He had brought them in a bag which was tied up in his dhoti. The Kázi brought the bag from the bungalow after us. He came out shortly after us with it. We came to Poona next morning. We left for Válva. Nothing has yet been settled about the watan question. After getting to my village in seven or eight days I received a letter from the Kázi. The letter shown me is the one. I don't remember if the writing in red ink was on it when I got it. The rupees referred to were those which it has been agreed to pay the Sáheb and the Kázi—Rs. 500 to the Sáheb and Rs. 100 to the Kázi. I had given Rs. 450. After receiving that letter Dáji and I came to Poona and saw the Kázi. I did not go anywhere in Poona. From there I went to Sátára. It is on the way to Válva. From Sátára I returned to Válva. I did not come to Poona again till I was ordered. I have heard nothing more about my petition."

Corroborative evidence.

Bábáji Bahirav Makdum states that at their request he accompanied the Pátils and Dáda Jádhav to Poona, and thus described what passed :—

"After we got to Poona on the following day, the Pátils took me to the house of Kázi Abbás. This was in the afternoon. The Pátils had been out in the morning. I did not know Kázi Abbás before. I saw the Kázi. There were others as well. A writer was also called. He had some such name as Bhái Bhái. Four or five days after this I went to a place not in the town. Dáda Jádhav and the two Pátils and Kázi Abbás and myself went. We went first to Kázi Abbás' house. I remember seeing if the Pátils took anything with them. They both had something under their arms, but I don't know what it was. From Abbas' house we all five went in a shigrám. I remained sitting in the gári with Dáda Jádhav beside the road. The other three went towards the Sáheb's bungalow. They went inside the compound. They went away about one hour. Dáji and Govind came back together, and Kázi Abbás came a little afterwards. When they got back, I can't say whether they had anything under their arms or not. They had dhotis on. I did not see Abbás carrying anything. I had nothing to do with getting the Pátils' petition written. I never went anywhere on that business. I was in Poona seven or eight days. I then returned to Válva. I did not see if the Pátils took anything with them when leaving Válva."

The material part of Dádáji bin Sáwaji Jádhav's statement is :—

"I know Govinda and Dáji Pátil. I remember accompanying them to Poona about five or six months ago. Bábáji Makdum came with us. We put up at Shankarshet Bania's. We arrived in Poona at 8 p.m. Next day I went to the Kázi's with both the Pátils and Bábáji. I don't know if the Pátils took anything with them. A day or two after I went again with Dáji and Govinda Pátil. No one else went with us. After that the Kázi and the two Pátils left together. I went again to the Kázi's house with Bábáji Makdum and Dáji and Govinda Pátil. From there we went to a bungalow—we four and the Kázi. We went in a gári. I don't know to whose bungalow we went. I don't know where it was. The drive was a long one. At the end of the drive the Kázi and the two Pátils got out of the carriage, and Bábáji and I remained sitting in the carriage. The Kázi and the Pátils went into the compound. I did not see if the Pátils had anything with them. I remained in the carriage till they came back. I don't remember who came first. All three came back and we returned to Poona, and shortly afterwards to Válva. The Pátils asked me to accompany them. The Pátils paid my expenses. I went to the bungalow with them because they asked me to accompany them. The Pátils gave me a reason why I should accompany them. I went also in Poona to the house of a person Báhi Dáda, a petition-writer."

Kázi Abbás thus describes his relations with the Pátils and the occurrences which took place in connection with the charge :—

"I know Govinda and Dáji Pátil. They came to my house about eight or nine months ago. They came together. No one else was with them. I had some conversation with them. I saw them again after about a month. I don't remember in what month this was. I saw them on two or three occasions. I went with them first to one Bháskarbhái, a petition-writer. He is a man whom I knew before. He visits my house. I asked him to write out two petitions for Govinda and Dáji. The petitions were written and printed. Dáji and Govinda got them printed. I took them also to Mr. Crawford's bungalow at Kirkee. I took them there twice. The first time I took them was before the petitions were got ready. The first time Dáji, Govinda, and myself went. Dáji and Govinda stated their own cases to the Sáheb. The Sáheb asked them to reduce the facts of their cases to writing. This is what the Sáheb said to them, but before they went to see the Sáheb I had gone to him and told him all this. While I was speaking to the Sáheb I had left the Pátils near the cook-room. I called them in. After speaking to the Sáheb I went out and brought them in. I brought them by the entrance gate, which is near the stable. From the cook-room they came by a straight road into the bungalow. The servants go by this way into the lamp-room. I went to the right side of this. The road we came is that used by the servants to enter the bungalow from the cook-room. From the cook-room to the lamp-room the path is covered. To go to the Sáheb's room there is an uncovered passage. One has to leave the covered passage. Near the cook-room is the servants' room, and after getting near the servants' room one has to leave the covered passage in order to get to the Sáheb's room. On the occasion I am referring to I left the covered passage near the servants' room in order to get to the Sáheb's room. Before the Pátils were called in Mr. Crawford had only said 'bring them in.' I had once before mentioned about them to the Sáheb. Something had been settled. I had told the Sáheb the Pátils were ready to give him presents of Rs. 500 each. The Sáheb on hearing this said, 'Get their petitions ready and bring them to me.' This conversation took place before the two Pátils saw the Sáheb. It was before their second visit to the Sáheb. It was at the time of their coming to Poona on the first occasion. The door by which we went in by faces the east. One side of the bungalow faces the road, another the river, the third the servants' quarters, and the fourth a garden. We went in by the door facing the servants' quarters. On the second occasion we went to the bungalow. We started from my house in the Kasba Peth. Dáji and Govinda Pátil had come to my house. I do not remember if they were accompanied to my house by any other person or not. One or two persons had come with them. I did not know these two persons before. I don't know if they came that day. The Pátils brought petitions with them. I saw Dáji Pátil had a bag under his arm. It was wrapped up in a dhoti. The dhoti was not open. He put it down when he came to my house. Afterwards the bag came into my hands. Each Pátil paid me Rs. 50. I did not see where the money paid to me came from. I don't remember what the time of day was. After the money was paid they asked me to go to the bungalow. We went in a gári. We three went. If there was anybody else I do not remember. After stopping the carriage outside the compound, I, Dáji, and Govinda entered the compound by the side of the stable. After going into the compound Dáji and Govinda said to me, out of the Rs. 500 to be paid to the Sáheb they had brought Rs. 400 each. They said they would send the remainder after fifteen days. I said I would mention it to the Sáheb. We went near the cook-room and I seated the Pátils in the verandah of the cook-room. I sent in word to the Sáheb. The Sáheb called me. I told him Dáji and Govinda were there with their petitions; that they had brought Rs. 200 short, and that they promised to make it up within fifteen days. The Sáheb said, 'Very well, bring them in.' I took them in. I brought them by the same approach as I had brought them by on the first occasion. Mr. Crawford was in a room. The room was the one in which the first interview had taken place. It faces the servants' quarters. It may be the Sáheb's sitting-room. The one beyond it is the sleeping-room. There was some article of furniture in which the Sáheb kept his clothes against the wall, and there was a carpet on the floor and some chairs. The Sáheb came out from the direction of the sleeping-room when I went in to see him without the Pátils. When I went with the Pátils he was in the room standing. When I took the Pátils in, Dáji and Govinda took out two petitions and gave them to the Sáheb. They gave them into the Sáheb's hand. I asked Govinda and Dáji to give the money. Dáji took out the bag which had been tied up in his dhoti, but the Sáheb said, 'Put it on one side.' Dáji put the bag in a

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room on the right side inside the frame of the door. He took it out from the dhoti and put it down. Govinda followed him. I asked, 'Why are you going after him?' He said, 'I have with me Rs. 300 in notes and Rs. 100 in cash.' Govinda said this at the time. Govinda also put down the cash, then returned and gave the notes in the hand of the Sáheb. He had a dhoti on. I did not see where he took the money from. I saw him put it down. Govinda's cash was not in a bag. After this the Sáheb said 'go' and we went. The Sáheb said he would send the petitions to the district for inquiry. Govinda and Dáji left first. Then I left. I don't remember if I brought anything. The Sáheb was talking to me about his Bombay debt. The Pátils left Poona. Besides the Rs. 200, the Pátils said they would bring Rs. 100 for me, Rs. 50 each. The money did not come. When the money did not come, I wrote them a letter each with my own hand and sent it. The letter shown me is one of them. The second letter shown me is the other. I wrote the last words 'ravána zále' because the Sáheb had told me the papers in the case had been sent to the zilla. I got no answer to either of those letters. I saw the Pátils again about twenty or twenty-five days after I wrote the letter. I had a conversation with them. They asked me what had become of their cases. I told them that Sáheb had told me the case had been sent to Sátára. After that they went away. I saw Dáji alone after that. It was before Mr. Crawford's suspension about seven or eight days. Dáji said he had been to Sátára and made inquiries there, and the case had not been sent there. Then he went away. I don't remember if I went to Bombay about the time Dáji came."

Ex. JL. Ex. JM.

Crawford's evidence.

Mr. Crawford's evidence regarding this story is as follows:—

"I never to my knowledge saw the Válva Pátils Dáji and Govinda, nor to my knowledge did I ever receive a petition from either of them. I never before I saw in this case saw petitions of which Exhibits JH and JI purport to be copies. I never saw any documents or copies which are alleged to have been annexed to the petitions. If any such petitions had been presented they ought to be in the files of the office. It is very rarely that petitioners give their original documents with petitions. Kázi Abbás and the two Pátils never came to my bungalow. The whole story of bringing money to my bungalow and putting it down near me is an infamous fabrication from beginning to end. I never had any whisker and I never wore any beard."

And in cross-examination:—

"I never had anything to say to Kázi Abbás except in the compound, except when he brought men up from Bombay. He was then received in the usual place at first, but the men he brought would afterwards go inside to the open verandah round the drawing-room, where there was a table at which I used to write. This was at the south-west end of the verandah. I remunerated Kázi Abbás for his services. I gave him sometimes Rs. 50, sometimes Rs. 100, and paid his expenses for going down and bringing people up to give me loans. He effected three or four loan transactions for me. The first was about a year and a half ago. I knew he used to raise money for other people in Poona. I am not sure he did not volunteer to me."

We do not think it necessary to analyse this evidence at length. The contradictions and improbabilities apparent on the face of it, deprive it of any title to credibility. On such evidence we are unable, in the face of Mr. Crawford's denial on oath, to believe that he took a bribe from these men to support their petitions and then suppressed those petitions. In this, as in other cases, Kázi Abbás probably used his position with regard to Mr. Crawford, such as it was, as a means of obtaining money from persons foolish enough to believe in his alleged influence; but there is no case against Mr. Crawford. We are of opinion that Mr. Crawford is not guilty of this charge.

Charges of Corruption not connected with Hanmantráo or Kázi Abbás.

The two remaining charges of corruption accuse Mr. Crawford of personally receiving money under circumstances not to any material extent connecting the transaction with either Hanmantráo or Kázi Abbás.

Khárkar's Case.

Charge.

The charge is, "that you personally, in or about the month of June 1887, corruptly "received the sum of Rs. 500 from Bápuji Mahipat Khárkar, then Deputy Alienation "Assistant to the Commissioner, Central Division, as an inducement to favour the "said Bápuji Mahipat Khárkar, in your official capacity of Commissioner, Central "Division."

Khárkar is Alienation Assistant to the Commissioner, C.D. By a resolution of the 5th of August 1885, the Government of Bombay sanctioned certain proposals of the then Commissioner, C.D., for the re-organisation of the Alienation branch of his office. Among those sanctioned was one for training a thoroughly reliable and able officer as a Deputy Assistant, to succeed the Assistant Commissioner when a vacancy occurred. The salary was fixed at Rs. 150 per mensem, rising by quinquennial increments to Rs. 225; and in the December following Khárkar, who had been for over six years head clerk to the collector of Násik, was selected by Mr. Robertson for the appointment, on the recommendation of Mr. Woodward, the Collector. He took it up on the 20th of January 1886, and served continuously in it till the 31st of March 1887, when the Alienation Assistant to the Commissioner, Rámchandra Náráyan Pandit, retired. On the retirement of this officer, Khárkar, by direction of Mr. Crawford, took charge of the office of Alienation Assistant, and was confirmed in it from that date by an order of the Government of Bombay, dated the 11th of June 1888, with retrospective effect. This order was passed on a report of the Commissioner, dated the 30th of June 1887, and the delay in issuing it was due to the necessity for obtaining the sanction of the Government of India and of the Secretary of State to the continuance of the office of Alienation Assistant.

Khárkar's services. Ex. KO.

Ex. KR.

The case for the prosecution is that Mr. Crawford, with a view to obtaining money from Khárkar, delayed the submission of the report dated 30th of June.

Case for the prosecution

The following is Khárkar's statement:—

" I was chosen to be trained to succeed Mr. Pandit. I joined the appointment on 20th January 1886. The order was dated 5th December 1885. Prior to that, for nearly six and a half years, I had been head clerk to the Collector of Násik. Mr. Pandit retired on the 31st March 1887. I then took charge of the office of Alienation Assistant. Having taken charge, by the orders of Mr. Crawford, the Commissioner, sanction of the Bombay Government was necessary to my appointment. A draft was prepared to be sent in to Government. I prepared it, under Mr. Pendse's instructions. The draft was prepared, I think, about eight or ten days after I had taken charge of the office of Alienation Assistant. The document shown me is the draft referred to, and the violet ink portion is in my handwriting. The draft was sent back by me to Mr. Pendse, to be again sent to the Commissioner. For one year, until my appointment was notified in the *Gazette*, I used to send my work to the Commissioner through the assistant, Mr. Pendse. Since the notification of my appointment, I have sent papers direct to the Commissioner. I sent the letter to Mr. Pendse the same day it was drafted. I did not date the draft. I waited some time, and heard nothing about the letter. After about a month I inquired of Mr. Pendse. I then saw the Commissioner, about the beginning of June 1887. I saw him at his bungalow. I took papers for instructions, in the ordinary official routine. After the work was done, I asked the Commissioner when the report about myself would go to Government. He told me it would be sent shortly. After about eight or ten days, I again took some papers to the Commissioner, in the ordinary official routine. On this occasion the Commissioner told me that he was badly in want of money, and that I should advance him about Rs. 1,500. I cannot be certain of the exact words he used. He asked me to advance the money. I told him I had not so much; I would, at the most, pay him Rs. 500. He assured me I should not be afraid, he would return the sum shortly. I told him I could not pay more than Rs. 400; if he wanted more, I would pay after I had received the arrears of my pay. He then told me to send as much as I could. That is all that took place on that occasion. The arrears I referred to was the difference between Rs. 150 and Rs. 300. I should have drawn the latter if my appointment had been notified. When my appointment was subsequently gazetted, in June 1888, I drew the arrears from 1st April 1887. The next day, or the next day but one, after that interview with Mr. Crawford I paid Rs. 500 to him at his bungalow. I went there and paid the money. This was the savings of my pay. Up to the date of this payment I had not seen the draft again. I next saw the draft about eight or ten days after the payment. There are corrections in the draft, some in Mr. Crawford's writing. The portion in black ink in the body of the document is in the handwriting of the head clerk, Alienation Department. The letter was sent out on the 30th June 1887."

Khárkar's story.

Pendse remembers giving instructions for the preparation of the draft referred to, and its being sent to the Commissioner about a week after Khárkar's taking charge, and its being received back two or three days before the 30th of June. There is no other witness in the case.

Corroborative evidence

Crawford's evidence.

Mr. Crawford, in his evidence, gives a direct contradiction to the allegations of Khárkar in the following words:—

"I never asked Khárkar to advance me Rs. 1,500, or any other sum. He never paid me any money whatever. Exhibit KP. was submitted to me as a draft. I never delayed the submission of that report for the purpose of putting pressure on Khárkar."

Evidence for prosecution considered.

For the fact of the draft remaining with the Commissioner for even two months, we have only the word of Pendse and Khárkar; but, assuming their statement on this point to be true, it furnishes no ground for any inference favourable to the case for the prosecution. Khárkar was naturally in a hurry to be confirmed as soon as possible, and moved Pendse to have the draft prepared, which he did apparently as a matter of office routine, without any instructions from the Commissioner. The matter was, however, not urgent, so far as the work was concerned. It reached the Commissioner at a busy season; his assistant Pendse never reminded him about it, as he admits he used to do in case of the delay of important drafts; and the question itself was one requiring consideration, as it had to undergo the scrutiny of the Local Government, the Government of India, and the Secretary of State. The draft, when it returned from the Commissioner, clearly showed that it had not been treated as a mere matter of course, but had been carefully considered, for the Commissioner disapproved of one important proposal contained in it, and re-wrote a portion of it. The alterations which Mr. Crawford made were, on the whole, adverse to Khárkar. Under these circumstances, the delay in reporting the appointment for confirmation was not unreasonable. The request of Mr. Crawford for Rs. 1,500, and the payment of Rs. 500 to him by Khárkar are denied by Mr. Crawford, and rest on the unsupported testimony of Khárkar. Khárkar is, however, a witness who comes into court under circumstances which give strong grounds for distrusting his credibility. On the 18th of August and the 10th of September he was examined as a witness in Hanmantráo's case, with reference to the alleged bribe given by Sindekar. He admitted then that he had made no statement against Mr. Crawford, and had no intention of doing so. Only about the 21st of September, for the first time, did he say that he had given money to Mr. Crawford. He admits that he made this statement in the form of a memorandum to Mr. Ommanney in consequence of Bhimbhái telling him that Mr. Ommanney had received certain information about him; and again, he says: "After I gave evidence in Hanmantráo's "case, Bhimbhái told me Mr. Ommanney had evidence against me, and thereupon I "made a statement. Until I knew Mr. Ommanney had evidence against me, I did not "intend to make a statement." If this is true, it is strange that no such evidence was produced before us. We are of opinion that Mr. Crawford is not guilty of this charge.

Bhor Case.

harge.

The charge is "that you personally, on or about the 7th September 1887, corruptly "received the sum of Rs. 10,000 from Sardár Vithalráo Náráyan Nátu, on behalf of "Shankarráo Pandit, Chief of Bhor, as an inducement to favour the said Shankarráo "Pandit in your official capacity of Commissioner, Central Division."

hor State.

Bhor is a native State under British protection, lying between the districts of Sátára and Poona in the central division. Up to the 2nd of November 1887 the collector of Sátára was political agent for the Bhor State, but since that date the political agent is the collector of Poona. The chief is known as the Pant Sachiv. The political agent is subject to the control of the Commissioner, through whom all communications between the Pant, the political agent, and the Government of Bombay pass. In March 1887 the post of Kárbhári to the Bhor State had become vacant. The Pant asked for the services of Krishnáji Ballál Phátak, commonly spoken of as Dáda Phátak, a man whose permanent post is that of clerk to the district court of Poona and native agent for Sardárs in the Poona agency under the judge. Mr. Crawford accepted this nomination, but with an intimation that he would have preferred a man with more revenue experience.

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The story told by the prosecution is that when Dáda Phátak was appointed to his post Mr. Crawford sent him a message through Yádavráo to the effect that he was to obtain money from the Pant for Mr. Crawford, and asking him to come and see Mr. Crawford. It is said he went and saw him accordingly, and was told to tell the Pant what Yádavráo had spoken about, and that he made the desired communication to the Pant. It is then said that in April Dáda Phátak was again in Poona and saw Yádavráo and afterwards Mr. Crawford, and that the latter told him that he was going to Mahábaleshvar, that he would halt at the Shirval bungalow on his way down,

and that he wished to see the Pant there. Mr. Crawford did make a visit to Mahábaleshvar, going up on the 14th of April and coming down on the 18th, and he had an interview with the Pant at Shirval. The story for the prosecution is that in the course of the interview Mr. Crawford asked the Pant for Rs. 25,000. The Pant came to Poona in the end of July and stayed till the middle of September. During that visit, according to the case for the prosecution, the Pant had several interviews with Mr. Crawford, at the first of which Mr. Crawford asked for Rs. 15,000, and the Pant agreed to give Rs. 10,000. The Pant on the 6th of September drew a sum of Rs. 10,000 from the Sáthes, bankers in Poona, with whom he had an account. This amount, it is said, was changed into notes and on the 7th September sent to Mr. Crawford. At a later interview Mr. Crawford is said to have acknowledged its receipt. The case for the prosecution as to the motive for this alleged payment and the benefits looked for in return for it has somewhat changed its character during the inquiry. In the opening of the case it was contended generally that the object of the payment was to induce Mr. Crawford to deal favourably with the Pant; and it was suggested that the communication of a particular order to him directly in anticipation of its official communication was an instance of special favour shown. In the reply we were asked to hold that the Rs. 10,000 was the price for a particular order of the 7th of September 1887, on the subject of the cutting of the Pant's forests, which, it was suggested, was an improper order.

Interview at Shirval in April.

Interviews in July and September.

Payment of Rs. 10,000.

Theory of motive.

This story naturally divides itself into three parts: first, the preliminary transactions before the interview at Shirval in April; secondly, the interview at Shirval; thirdly, the transactions in July and September, including the alleged payment of the Rs. 10,000.

Divisions of the story.

As to the first part of the story, the witnesses to it are Dáda Phátak and Yádavráo. Dáda Phátak in examination-in-chief gave his account of the matter thus:—

First part: Preliminary communications.

"Yádavráo Sáthe told me Mr. Crawford wished to see me, and I went to see Mr. Crawford. I went into his visitors' room. Half is dining room and half sitting room. Mr. Crawford asked me about my appointment at Bhor and when I was going. He then asked me about my former services. I answered, and some other conversation took place, and then I came out. In that conversation I told Mr. Crawford I knew him formerly, but had never called on him. When I had got out into the garden, a sipáhi came and told me the Sáheb wanted me back. I went back. Then Mr. Crawford said to me, 'Yádavráo Sáthe has spoken to you. When you go to Bhor, tell that to the Pant. You know me well.' Yádavráo had had a conversation with me before. That was when he brought me the message."

Witnesses for the prosecution.

In cross-examination he said:—

"For some years before that I had not visited Mr. Crawford or seen him to speak to. Yádavráo had been to see me first. I do not remember if any one was present. I believe no one was present. Yádavráo said to me, 'You have been appointed Kárbhári of Bhor, Mr. Crawford wishes to see you.' Formerly some negotiations were going on through Raghunáth Dhonddev Daftardár and the Daftardár was going to arrange up to Rs. 25,000, but the Daftardár wanted to keep Rs. 10,000 for himself and give Rs. 15,000 to the Sáheb. Yádavráo said the Sáheb did not wish the Daftardár to get Rs. 10,000, while he kept Rs. 15,000. Yádavráo therefore asked me to go and see Mr. Crawford, as a communication was to be made to the Pant about the matter. This is all I remember he said on this occasion. This was the first time he had ever spoken to me on this subject. He came out with all these details at once, because he knew I was then clerk to the district judge and saw him every day."

Yádavráo says that he gave Dáda Phátak the message of which the latter speaks, and adds that he did so under instructions from Hanmantráo.

As to the interview at Shirval, a number of witnesses were called to speak to the fact of the interview, but as there is no dispute as to an interview having taken place it is unnecessary to refer to them here. As to what passed at the interview the witnesses for the prosecution are the Pant himself and Dáda Phátak. The Pant's account in examination-in-chief was this:—

Interview at Shirval. Evidence fo prosecution.

"I know Mr. Crawford. I first made his acquaintance in August 1886. I met him at his bungalow at Kirkee. I had some conversation with him on that occasion. I went to his bungalow to see Mr. Grant, the political agent of Sátára. Mr. Crawford told me to act according to the advice of Mr. Grant. I think I retured to Bhor at the end of Bhádrapad. I next saw Mr. Crawford at Shirval, a place about 8 or 9 miles

from Bhor. I had gone to Shirval in consequence of a previous intimation received by me from him. I received the intimation through Dáda Phátak, my Kárbhári. He had been shortly before in Poona. I met Mr. Crawford in the travellers' bungalow; my Kárbhári had gone to Shirval before me. I cannot fix for certain the date of this interview. It was in April 1887. I had a conversation with Mr. Crawford at the travellers' bungalow on that occasion. The interview took place at night. At my conversation with Mr. Crawford no one was close by. My kárkún and other attendants were at a distance. The conversation took place outside the verandah of the bungalow. Mr. Crawford told me Mr. Grant's message that I should print my annual report. It had formerly been sent in writing. We may have talked on this occasion about other matters, but I do not remember them now. Mr. Crawford said to me that if I arranged up to 25 he would keep his regard on me. At that time my Kárbhári was walking about in front of us. When Mr. Crawford made this suggestion to me I told him I was going to see him at Poona. I do not remember if anything else passed on this subject on this occasion."

And in cross-examination :—

"When I met Mr. Crawford at Shirval, Mr. Crawford was returning from Mahábaleshvar. It would be a proper thing for the chief of Bhor to go and meet him as he was stopping in Bhor territory. I would have come to see him whether he had sent for me or not. Between August 1886 and April 1887 I do not remember if I saw Mr. Crawford. I do not remember the date I saw Mr. Crawford at Shirval, but I can find it from my account book as I had performed some ceremonies that day. I went with the Mámlatdár of Shirval and his bill will show the date. I have my own bungalow there. I took my meal there, and the Mámlatdár's bill will show the date. This bill is not in Poona. My account book will not show the date, nor my khásgi watan books. I was at Shirval before Mr. Crawford arrived there. I believe he arrived between 7 and 8 p.m. Our interview took place between 8 and 9. I know that he was to leave. I left directly after our interview for Bhor. I do not know when he left. I and Mr. Crawford were sitting on chairs in the garden."

And in re-examination :—

"I had not been to see Mr. Crawford on his way up to Mahábaleshvar. I saw him on his return. I do not remember going on any other occasion to see Mr. Crawford at Shirval. Without previous intimation I should have gone to see Mr. Crawford in his capacity as Commissioner. If he had not halted there I should not have gone to see him."

Dáda Phátak's account of the interview in his examination-in-chief is this :—

"After the Sáheb's dinner was over, word was sent to the Pant Sáheb, and he came. He saw Mr. Crawford first on the verandah. The Pant Sáheb and others sat there in the compound, some on chairs and some not. I was near the Pant and Mr. Crawford, walking about and standing there. There were some people at a distance. I heard some of the conversation about business between Mr. Crawford and the Pant Sáheb. Mr. Crawford said, 'You don't send in printed reports. You object to it. You should send printed report. Send a letter to Mr. Grant, or Government will be displeased.' There was some conversation about business about Sahotra (certain privileges of the Pant Sáheb), forests, export dues, &c. The Pant Sáheb was speaking about these things. After this Mr. Crawford said to the Pant Sáheb that if the Pant Sáheb assisted him up to 25 he (Mr. Crawford) would assist him in return. There was some further conversation, but I do not remember any more. I do not remember well if the Pant gave any answer to Mr. Crawford's suggestion. After this Mr. Crawford left within a short time for Poona. After the interview the Pant Sáheb took his leave and went away to Bhor. I remained behind for some time. I left after midnight for Bhor. While I was there, Hanmantráo was there. I remained behind because he did so."

In cross-examination he said, "I heard most of the conversation at the Shirval "bungalow. When he said about the 25 I was standing in front of the Pant Sáheb "and Mr. Crawford, two, three, or four paces away. I did not stand there to listen."

vents in uly and eptember.

With regard to the events in September, and what led up to them, the evidence for the prosecution is as follows. The Pant alleges that, at an interview with Mr. Crawford about the end of July, Mr. Crawford pressed him for Rs. 15,000, and he promised to lend Rs. 10,000. After this he believes he had one interview only with Yádavráo and Hanmantráo, which he thinks was in July. He says he sent for Yádavráo to ask him to stop Mr. Crawford from demanding money.

The Pant's account of the interview with Mr. Crawford, which he puts in July, is this :—

"I next came to Poona at the end of July 1887. I stayed in Poona on this occasion up to the end of Bhádrapad, that is, early in September. During that visit I had two or three interviews with Mr. Crawford. At the first meeting Mr. Crawford asked me what I had done about what he had told me at Shirval. I told him I could not arrange to pay so much. He said, 'It is very necessary to me, you must give Rs. 15,000.' He said if I did not give him Rs. 15,000, Mr. Grant and Mr. Lee-Warner have already been against me, and he himself would write to Government and make me a loser. I said I had not with me such a large balance, but I should arrange to lend him Rs, 10,000. He said, 'Make your arrangement for a larger sum as soon as you can.' After this I returned home to my house at Poona. All this I have related took place at one interview. I cannot fix its date. Besides me and Mr. Crawford no one else was inside the bungalow. The other persons with me were sitting outside. I believe Dáda Phátak or Bába Sáheb Nátu was with me. The latter's full name is Sardár Náráyan Vithal Nátu. He was outside. I believe he was in the front portion of the bungalow, and we were inside. It was in the verandah close to the portico. I don't remember what took place at the interview next after this. I believe there was nothing particular. At the following interview Mr. Crawford told me that the sum paid by me to him had been received by him. I know Hanmantráo Rághavendra and Yádavráo Sáthe. During my time in Poona I had meetings with both. They were both present at one time. I don't remember if we had one or two interviews, but I believe we had only one. I saw Hanmantráo and Yádavráo Sáthe before I paid the money. It was after the conversation at first interview at Poona with Mr. Crawford."

Nothing is said to have taken place in August, except that Phátak believes the Pant had in that month an interview with Yádaváro and Hanmantráo, at which Bába Sáheb Nátu was also present. The Pant cannot recollect anything of this interview. The only one he remembers is one at which Yádavráo and Hanmantráo alone came to him.

We now come to the month of September 1887. After he had had an interview with Yádavráo and Hanmantráo the Pant says that he issued an order to his Poona kárkún to draw Rs. 10,000 from Sáthe's bank. This order, dated the 2nd of September, was, in accordance with the regular procedure adopted in the Pant's office, first sent to Bhor. There it was registered and returned to the Poona kárkún, Keshav Vishnu Deshpánde. Keshav Vishnu received the order back on the 6th of September, and at once drew Rs. 10,000 in cash from the Sáthes. That this money was drawn is, we think, proved by Vishnu's evidence, confirmed by the evidence and books of the banker Sáthe. Vishnu says that he got the money between 6 and 7 a.m., and informed the Pant, who told him he wanted notes. Accordingly he went again to Sáthe and got notes amounting to eight or nine thousand rupees. Here again he is confirmed by Sáthe, but neither of them can say precisely what the value of the notes was. Vishnu states that he brought the notes and the cash to the Pant's palace and then proceeded to count the notes. He says :— Ex. CX.

"Sadáshiv Gulábráo assisted me in counting the notes. He is a kárkún in the employ of the Pant Sáheb. He is a Bhor kárkún. I do not remember if anyone came in while we were at that work. It was not completed that day. It was completed the next day in the morning about 9 or 10. When I handed over the amount to the Pant Sáheb between 10 and 12 the money was all in notes. There was no cash then left. I do not remember where I got the other notes, but I believe I got one from Dáda Phátak. When I gave the notes to the Pant Sáheb they were tied up in one bundle. No one else was present when I gave that bundle of notes to the Pant Sáheb. The Pant Sáheb took the bundle from me and asked me to leave. I did not see what he did with them. No order was then given me."

Two witnesses have been called to confirm this evidence as to the counting of the notes. One is the kárkún Sadáshiv, who says he counted with Keshav Vishnu notes of the value of seven or eight thousand rupees. The other is Shridhar Jagannáth, the Educational Inspector at Bhor, who says he saw Keshav Vishnu and Sadáshiv counting notes in September 1887. The Pant's statement is that he received the Rs. 10,000 in notes from Keshav Vishnu. He says:—

"I gave the notes to Bába Sáheb Nátu. I asked him to go to Mr. Crawford and give them to him. I can't fix the date when I gave these notes to Nátu. Immediately after the money came to me I gave it to Nátu. When I gave the money to Nátu, Dáda Phátak was outside at the time. I was in the hall of my váda and he was outside in the verandah."

After this the Pant says that he saw Mr. Crawford, who told him that the money had been received.

As to the Pant's giving the notes to Nátu, and the delivery of the notes to Mr. Crawford, Phátak's statement is that he went to Sátára about the 1st of September and returned to Poona by the evening train of Tuesday the 6th of September. On the morning of the 7th, about 7 or 8 a.m., he went to the Pant, whom he found sitting in his divánkhána. Bába Sáheb Nátu, he says, was also sitting there. Phátak continues:—

"The Pant Sáheb asked me about Sáttára. He also said, 'I have determined to pay 'Mr. Crawford Rs. 10,000, and you and Bába Sáheb Nátu must go to Mr. Crawford in 'the afternoon and pay it.' The Pant Sáheb asked me to try and get a note or notes for Rs. 1,000. I said, 'Very well, I shall try.' Then I went home. I handed over to my man Sadáshiv Bhikáji Joshi Rs. 1,000, and told him to get a note or notes. He left with the rupees and returned with a note of Rs. 1,000. Having got that, I went after dinner to the Pant Sáheb's váda. I saw the Pant Sáheb and Keshav Vishnu, and I handed over the note to one of them. At the váda Bába Sáheb Nátu was also present. This all happened in the divánkhána. After giving over the note I think I saw the kárkún hand up a bundle of notes to the Pant Sáheb. I saw him give the bundle to Bába Sáheb Nátu. The Pant Sáheb asked Nátu to take the bundle containing notes for Rs. 10,000 to Mr. Crawford and give the notes to him. After the notes were given Bába Sáheb Nátu and I went downstairs and got into a gári and we drove away. On the way we met Hanmantráo between the váda and the dispensary. We took him into the gári. We then drove to Mr. Crawford's bungalow at Kirkee. It was about 12 noon when we started. When we reached the bungalow Bába Sáheb sent in his card. Before that Hanmantráo got out of the gári and went into the bungalow. We were called in and went into Mr. Crawford's visiting room. Mr. Crawford was there. We sat down. After some conversation Bába Sáheb took out the bundle of notes from his pocket and gave it to the Sáheb. Bába said, 'The Pant Sáheb has given these notes of the value of Rs. 10,000; see them and take,' or words to that effect. Mr. Crawford said, 'Very well, they must be all right.' He then put the money in his pocket. I said to Mr. Crawford the Pant Sáheb had asked him to keep regards on him. Bába Sáheb and I started some conversation about other business, the matters of State which were before the Commissioner. We asked him about the forest matters. He said the order relating to that would be sent. The Sáheb said there was a gentleman in the bungalow. He asked us to leave, I also saw the gentleman. He is not here now. He was in the verandah when I saw him—the entrance verandah. I saw him when we entered, I don't know who he was. A sipáhi told me the Collector of Násik was there. I do not know him. After this we returned. Bába Sáheb, I, and Hanmantráo remained in the bungalow. He was not with us. I went back to the váda and saw the Pant Sáheb and told him what had happened. The Pant Sáheb paid me my Rs. 1,000."

Vithalráo Náráyan Nátu describes himself as a banker in Poona, an Inámdár and a friend of the Pant. He holds his inám and one village under the Pant. He receives Rs. 250 a year from the Pant, and for that he looks after the feasting of Bráhmans on the Rámnavami festival. He also examines horses for the Pant when asked to do so, and appears to be more or less dependent on the Pant. Nátu's story is as follows:—

"I was at the Pant Sáheb's váda. I went there about 8 or 9 a.m. I saw the Pant Sáheb on that occasion. He told me the notes were of the value of Rs. 10,000, and he asked me to take them to Mr. Crawford. I asked him for what purpose he was going to give such a large sum to Mr. Crawford. He would not spend a pie without some good reason. He said there was great oppression on him; he had received a message; he was very distressed about it; he was asked to arrange to pay Rs. 10,000 or 15,000, and that he was therefore going to lend the sum of Rs. 10,000. I said to the Pant Sáheb, 'As you please.' During this interview the Kárbhári was there in the divánkhána. The side portion of the divánkhána I call the verandah. I then left the váda. I returned there the same morning about 11 or 12. I saw the Pant Sáheb and Dáda Phátak. There was a bundle of notes of the value of Rs. 10,000, and this was handed over to me, and the Pant Sáheb asked me to go with Dáda Phátak to Mr. Crawford's bungalow. I took the notes and drove with Dáda Phátak to Mr. Crawford's bungalow. On the way there we took up Hanmantráo. When we got near the bungalow, Hanmantráo got out of the carriage. We drove inside into the compound under the portico. When Hanmantráo got out of the carriage he went into the bungalow. I sent in my card. We were invited in, and Dáda Phátak and I went into the bungalow, where we saw Mr. Crawford. The interview took place in the

hall on the other side of the room which is inside the verandah. The room I call a hall is towards the river side. I saluted the Sáheb and he asked me to sit down. He sat down on a couch. In front of him was a couch on which Dáda Phátak and I sat. The bundle of notes was produced by me, and I told the Sáheb there was a bundle of notes, value Rs. 10,000, which the Pant Sáheb had given me for him. I asked him to count the notes and receive them. He said that there was a Sáheb there and there need not be any conversation about the notes. He would consider them as good as counted. He asked me to give his saláms to the Pant Sáheb. That was all that was said about the notes. The date of this interview was the 7th September 1887. There was no other conversation at Mr. Crawford's on this occasion."

In cross-examination this witness stated :—"The kárkún was not present when I got the notes. He was not present during the conversation in the morning. It was at my first visit the Pant told me the value of the notes. I saw the bundle of notes at that time. It was pointing to that bundle the Pant said those notes were to be taken ; they were Rs. 10,000."

Mr. Crawford's account of his transactions with the Pant is as follows :—

Crawford's account. General relations with Pant.

"While I was Commissioner over the Chief of Bhor, I had a particularly bad opinion of him. He invited me on several occasions to go and visit him at Bhor. I always refused to go there. I have never visited there. I never tried in any way whatever directly or indirectly to induce the Chief of Bhor to pay me any money. I had no knowledge of Yádavráo Sáthe going to Dáda Phátak and having a conversation with him. If such a conversation took place it was absolutely without my consent. There is no truth in the suggestion that I had tried to corrupt the Daftardár of Bhor. It is absolutely false. It is not true that I said to Dáda Phátak, 'Tell that to the Pant Sáheb, you know me well' as stated in evidence. I had never at any time hinted at Dáda Phátak's helping me to get money from the Bhor Chief."

About the April interview at Shirval he said :—

Interview at Shirval.

"I went up to Mahábaleshvar in April 1887. I sent no intimation whatever to the Pant that I was coming. I particularly wished to avoid seeing him. I sent him no intimation directly or indirectly that he should come and see me at Shirval on my return from Mahábaleshvar. When I left Poona I had made no plans as to my return from Mahábaleshvar. I had sent on my horses and carriage to Shirval, when going up. That was the day before I went myself. They would leave in the morning. My coachmen would know I was coming next day. At Shirval bungalow I found Dáda Phátak and the Pant's Mámlatdár. It was then about 8 p.m. or even later. Phátak told me the Pant had come to see me. His Mámlatdár would let him know. I was coming as a matter of course. Also the bungalow people would know from the arrival of my horses and carriage. The Pant was in the village at the time. He was not in the bungalow. I did not have a regular dinner. I simply had some tinned soup. After that I told the Kárbhári he might bring the Pant that I might receive him. It was very hot and I had chairs put outside and received him in the compound. The Pandit had the usual tagrag and bobtail retinue with him. The Kárbhári and the Mámlatdárs and others I didn't know were with him. All these people sat in the compound, a little back from where I sat with the Pant. Some sat on the ground and some stood. I asked the chief what he had come for. He said he had come to see me as I had come. He then told his followers to stand back a bit and he began complaining that he could not get satisfaction from Mr. Grant or from me. He said he was always getting snubbed and he wished I would come and see for myself how good his administration was at Bhor. He mentioned several official matters, among them the forest demarcation scheme. He made a special grievance of not being allowed to cut his forest trees how he liked. He did not see what Government had to do with it. I cut him as short as I could and told him he must obey the Political Agent. I said I was sick and tired of the way he went on, and I gave him to understand I did not believe a word he wrote or said. I said that as to any of these particular matters he might write about them and they would be considered, but he might rely on it I would always support the Political Agent. I left for Mahábaleshvar about 3 a.m. I stopped with Mr. Grant, the Political Agent, at Mahábaleshvar. I mentioned to him I had seen the Chief at the Shirval bungalow. I talked to him generally about the Chief of Bhor. We had a great deal to talk about. When I left Mahábaleshvar I sent my carriage on to Shirval and ordered dinner. I had driven in my carriage up from Shirval. I may have had hired horses part of the way. Coming back I drove in my own carriage from Shirval to Poona. It is not true that the Pant came to see me on

my return journey at Shirval. I had no knowledge that he provided dinner for me. I paid for my own dinner, and it is entered in the travellers' bungalow book. I never said to the Pant on any occasion, 'If you arrange for twenty-five I will keep my regards on you.' I never directly or indirectly suggested in any way that he should pay me money. I did not see Hanmantráo at Shirval on either occasion. I do not know if he was there on either occasion."

nterview in September.

Mr. Crawford's evidence as to what took place in September 1887 is as follows:—

"The Pant came to see me on the 6th September. I saw Dáda Phátak the day before. He came to arrange for the interview in the usual manner. He said the Pant wanted to come and see me and talk to me about matters which were pending. I told him he had better see Báláji Gangádhar Sáthe and arrange about the papers being brought. The matters referred to cover principally vernacular correspondence. On the 6th the Pant came with Bába Nátu and Dáda Phátak and Yádavráo Sáthe, the Head Clerk in the Native Assistant's office. The Kárbhári came in first to announce the arrival. When they came they began with the usual formal talk. Bába Nátu was the principal spokesman and said the Pant was very dispirited at being so much sat upon by the Political Agent and by me. The Pant went on in a whining way and Bába Sáheb went on as if interceding for him. Phátak broke in every now and again. I told him he simply had to alter his ways and to obey the Political Agent. I said it was very plain. One of them said Yádavráo had brought the papers, Phátak had told me about which the Pant wanted to talk to me. Yádavráo was then called in from the verandah where he had been. Yádavráo produced a lot of papers. I cut them short. Then the Kárbhári produced a vernacular yádi, which the Pant wanted to give me in person. This was read out. It was the old story about the cutting of his forests by contract and not departmentally. Exhibit DA. is the document. The words 'Presented 6th September 1887' were written by me the following day. I asked Phátak what former yádi he referred to and I asked what it meant. He said there had been a former yádi to which there had been no answer. He said the matter was pressing, as the Chief wanted to give the contract for which it was then time. It was the case that it was the time for giving the contract. The former yádi was not then produced. I was told it was sent into office. I afterwards found out after my suspension that the document had never been seen by me. There is nothing on the document to show it ever came before me. It was dealt with by the Native Assistant, who does not even sign for me on this occasion. On seeing the document I see now the word 'Karitá' after the signature, meaning 'on behalf of.' I told the Pant he had a right to cut his forests as he pleased, and asked him why he wanted my permission. The Pant said that, however I might think, if they did not get my permission they would sure to be harassed by the Forest Officer. Also that there was a new Political Agent who would not know what I said to Mr. Grant. I then said I would send my reply through the Political Agent. Going away, Bába and Dáda said the Chief would be much obliged if I let him have a copy of what I wrote to the Political Agent. I said I would tell Mr. Pendse to let them have a copy. I mentioned to these three that I had talked to Mr. Grant about the matter. I believe I mentioned the matter to Mr. Grant at Mahábaleshvar in April, and I think at Sátára in the preceding August. I came to know about the Chief's wanting to cut the forests in his own way because he told me about it at Shirval. The right of cutting the forests had nothing to do with the demarcation of forests. Exhibit CZ. is a Maráthi document with a Maráthi endorsement by Mr. Grant. Mr. Grant is a Maráthi scholar. He has not passed in Maráthi. The endorsement was signed by him just before he went on leave.

"I wrote the reply to the Chief on the next day, the 7th. I sent the letter through the Political Agent, and sent the Chief the copy he had asked for through Pendse. The interview with the Chief was, I think, in the forenoon about 11 o'clock. After the 6th September I never saw Dáda Phátak or Bába Nátu at my bungalow again, or the Pant. The story told about bringing me Rs. 10,000 is an absolute fabrication from beginning to end. The story of the Pant that he came and asked me if I had got the money and I said I had is absolutely false."

Comparison of these two accounts.

We have to form an opinion as to which of these stories is true. In doing so we think it right to look at the transaction as a whole, but we cannot omit to examine the details of each of the separate parts.

Preliminary negotiations.

As to the alleged preliminary negotiations antecedent to the interview at Shirval in April, the story of the prosecution has much in it that is difficult to accept. Dádá Phátak was upon his own showing almost a stranger to Mr. Crawford, and had not

seen him for years. His permanent appointment, and his chances of promotion, were in a branch of the service with which Mr. Crawford had nothing to do. His appointment as Kárbhári had not originated with Mr. Crawford, but, on the contrary, Mr. Crawford had acquiesced in it somewhat unwillingly. Yet he says that Mr. Crawford at once admitted to him that he had already been carrying on corrupt negotiations with an official of the Bhor State, and asked him to assist in similar proceedings. Dáda Phátak represents himself as a man who without pressure of any kind, and without any apparent motive, at once assented to take the part assigned to him; and this part of the story rests only upon his word and that of Yádavráo, a witness to whom we give no credence. Still this part of the story might be *true*. If the central transaction of September were established it would render this matter credible, but the evidence as to this matter does not, in our opinion, strengthen the probability of the truth of the principal incident.

Shirval interview. Points of contradiction. Time of interview.

With regard to the interview between Mr. Crawford and the Pant at Shirval there are three points on which the story of the prosecution and that of the defence are in conflict. First, the witnesses for the prosecution say that the interview took place when Mr. Crawford was returning from Mahábaleshvar, while those for the defence say that it took place on his way up. The difference is in itself of no importance; it was said, however, to have become important as a test of the good faith of some of the witnesses for the prosecution, for it was said that if the account given for the defence was true, there must have been a fabrication of documents on the part of at least one of the Bhor officials. The evidence stands thus. The Pant and a number of other witnesses for the prosecution fix the interview on the return journey, and in support of their view the Mámlatdár of Shirval produced bills of expenditure, which had all the appearance of genuineness, and seemed, and were said, to have been sanctioned according to the ordinary routine, including one for the materials of a dinner for Mr. Crawford on the 18th of April. On the other hand, Mr. Crawford says the interview occurred on his way up to Mahábaleshvar. Mr. Grant, the then Collector of Sátára, with whom Mr. Crawford stayed at Mahábaleshvar, says that Mr. Crawford during his visit told him of his conversation with the Pant; and an entry in the travellers' bungalow book purports to show that Mr. Crawford on the way down paid for his own dinner, and there is some other evidence to which we attach no importance. As to this point of the date it is quite possible that Mr. Crawford's memory may be at fault, and it is quite possible that Mr. Grant may confuse what Mr. Crawford told him on the occasion in question with what he told him at a subsequent time. And, again, assuming Mr. Crawford's recollection to be correct, and that the interview took place on the way up, the Pant's officers knowing that Mr. Crawford had gone up, and learning, as they might well do, when he was coming down, may very possibly have made arrangements for his dinner although he may not have eaten what they provided. If this were so, when they came long afterwards to speak of the interview, the witnesses would naturally fix on the date which they found on the documents. Upon either view we do not feel constrained to impute to any one wilful perjury as to date or the falsification of documents, and therefore the contradiction is immaterial. The other two points as to which the witnesses for the prosecution and those for the defence contradict one another at this period are, whether the interview took place at Mr. Crawford's desire or was of the Pant's seeking, and what passed at the interview. These points are of great importance, but they can only be judged of as a part of the story viewed as a whole.

Crawford's previous message. Substance of conversation.

Case stands or falls on events of July and September.

The case for the prosecution must, in our opinion, stand or fall according to the truth or falsehood of the events alleged to have occurred during the Pant's subsequent visit to Poona. As to that period there is a complete contradiction between the witnesses for the prosecution and Mr. Crawford. The essential points in the story for the prosecution are the interview with Mr. Crawford, put by the Pant in July, at which it was arranged that he should pay Rs. 10,000, the drawing of Rs. 10,000 from Sáthe's bank on the 6th of September, the payment of the money to Mr. Crawford in the middle of the day on the 7th, the drafting after that of the order of the 7th, and the subsequent interview at which Mr. Crawford admitted the receipt of the money. Of these circumstances the only one beyond doubt is the drawing of the money on the 6th September, everything else is denied. On the other hand, Mr. Crawford says he had an interview with the Pant on the 6th at which the subject-matter of the order of the 7th was discussed, and that the order was made in consequence, and he wholly denies the story of the bribe.

Discrepancies in evidence.

There are minor difficulties in the way of accepting the evidence for the prosecution. A comparison of the stories told by the Pant, the kárkún Vishnu, Dáda Phátak and

Nátu discloses many discrepancies. The Pant and the kárkún agree that the latter gave the Pant the whole Rs. 10,000 in notes. The kárkún says he does not know where he procured the notes which Sáthe did not give him, but he thinks that Phátak gave him one. Phátak's story agrees neither with the kárkún's nor with Nátu's. The two witnesses, Joshi and Námjoshi, who are called to corroborate Phátak's evidence that he procured for the Pant a note for Rs. 1,000 are in our opinion unworthy of credit, Joshi is a dependent, and Námjoshi a nephew by marriage, of Phátak. The accounts again given by Phátak and Nátu as to the interview at which the money is said to have been paid differ materially.

Untrustworthy witnesses.

Contradiction of Phtak.

G. B. Maske, a pleader in the district judge's court, Poona, and apparently a respectable man, was called and gave evidence which goes far to discredit Dáda Phátak. In July Maske was Mr. Crawford's pleader. He said:—

"I know Dáda Phátak who was the Kárbhári of Bhor. I read his statement made here that he was present when money was given to Mr. Crawford on the 7th September. I have had a conversation with him which was inconsistent with that statement. That took place at the end of July or early in August last. He said he was not in Poona on that date, but was somewhere in the Sátára district. He said Báláji Gangádhar Sáthe had asked him whether the Chief of Bhor had not paid Rs. 10,000 to Mr. Crawford on the 7th September 1887. His reply was (to Báláji Gangádhar Sáthe) that he was not in Poona on 7th September, but was somewhere in the Sátára district. He further told him that if the money had been paid he would have known it and that the rumour was not true."

Broader considerations.

There are, however, considerations of a broader kind to which we attach much greater weight. The question whether the interview of the 6th September sworn to by Mr. Crawford took place or not can, we think, be answered with considerable certainty, and, if answered in the affirmative, it goes far to dispose of the case. The Pant had on the 10th of May 1887 sent a vernacular petition to Mr. Crawford with reference to his right to cut timber in his forests. This petition was referred to the political agent by a note of B. G. Sáthe, the native assistant. Mr. Crawford says he did not see it, and the appearance of the document confirms him. A reminder was written by the Pant dated the 1st of August 1887. This document bears no register number of the Pant's office, from which the inference is that it never passed through that office. Mr. Crawford says it was presented to him by the Pant on the 6th of September, and formed the subject-matter of conversation; this is denied by the Pant. It is a document produced by the prosecution from the files of the Commissioner's office, and it bears a pencil endorsement in Mr. Crawford's writing "presented 6th September 1887." And in the letter written the next day, the 7th, Mr. Crawford said, "I duly received your yádi of the 10th May last for which you have asked an answer yesterday." These contemporary documents in our opinion establish the fact of the interview of the 6th of September. This is confirmed by another circumstance, namely, that the letter of the 7th issued from the office on that day. If money was, as the prosecution allege, paid to Mr. Crawford on the afternoon of the 7th, and he then wrote the draft letter at his house in Kirkee, three miles from the office, it could not under ordinary circumstances have issued the same day, and there is no intimation of urgency upon it, or upon the letter to Pendse which accompanied it; whereas if the interview took place on the 6th and the draft was written on the morning of the 7th, it might well reach the office at the time of opening and all would be natural. Moreover, in a subsequent letter of the Pant he refers to an interview in September at which business matters were discussed. This is inconsistent with the Pant's evidence and consistent with Mr. Crawford's.

Interview of 6th September.

Ex. CZ.

Ex. DA.

Proved by contemporary documents.

Ex. iii.

Ex. 192.

Attempted *alibi* of Dáda Phátak.

To meet this case the prosecution called evidence in reply to prove an *alibi* for Dáda Phátak by showing that he was at Sátára on the 5th and part of the 6th of September. The evidence called on the subject may be generally true, and it may establish that Dáda Phátak was at Sátára on the 5th. If so, it would show that Dáda Phátak did not on that day see Mr. Crawford and arrange for the interview next day. But we think any one speaking a year after the event might easily be mistaken as to the person who discharged the formal office of applying for an interview. We are not satisfied that there is any impossibility in Dáda Phátak's having been in Poona in time to be present at the interview on the 6th. In our opinion it is established that that interview did take place and that the evidence for the prosecution is untrue on this very material point.

Story of prosecution tested by Pant's books and papers.

We propose next to examine whether the books and papers of the Pant support or discredit the allegation that the Rs. 10,000 drawn on the 6th of September was paid

to Mr. Crawford on the 7th. On the 8th of September the Pant issued the following order to Keshav Vishnu :—

"You have probably brought the Rs. 10,000 (ten thousand) from Sáthe's in accordance with the order already issued; send it to the head-quarters at Bhor. Let this be known to you (presented). Dated 8th September 1887 A.D., Camp Poona." Ex. CY.

In accordance with the usual procedure this order was sent to Bhor and was returned to Keshav Vishnu on the 11th of September. In consequence of this order Vishnu wrote out a report, or invoice, described as report No. 72, which he says he gave to the Pant when he was leaving Poona for Bhor. The Poona day-book contains an entry dated the 17th of September showing the despatch of the Rs. 10,000 with the Chief's party to Bhor. There is a corresponding entry in the Poona ledger, and endorsed on the report No. 72 there is an entry of the receipt and credit at Bhor of the Rs. 10,000. That this money was treated as being in the Pant's palace at Poona up to the 17th of September is shown by the evidence of R. M. Gulábráo. He examined the cash balance on the 16th, and finding it to be Rs. 10,000 short asked the Pant, who said he had the money himself. Gulábráo accordingly certified the balance in the books. Ex. 83. Ex. DG. Ex. DH. Ex. 92.

The Pant appears to have left Poona on the 17th of September, and on the 19th of September, Trimbak, the Potnis at Bhor, had an entry made in his day-book of the receipt of Rs. 10,000 from the Poona kárkún with report No. 72. There is a corresponding entry in the Bhor ledger. The day-book entry is that the amount was received "in cash by the hands of——." Ex. DL. Ex. DM.

Trimbak says, "Rs. 10,000 were paid to me the day this entry was made. It was "paid by the Pant Sáheb. I can't say whether the money was brought from Poona or "not. I have not filled in the name of the person who brought the money, because it "was handed me by the Pant Sáheb himself." In cross-examination he said, "When I made the entry (Exhibit DL) I believed what it stated to be true." The whole of the evidence of the Pant's kárkúns and the office books show that the Rs. 10,000 which are said to have been given to Mr. Crawford were treated as being in the Pant's palace until the 17th of September, as having been remitted to Bhor on the 17th, and as having been received and credited in the treasury there on the 19th. Everything connected with the money, so far as appears in the accounts, is regular and in order, except that the name of the person who actually brought the money into the Bhor treasury is left blank. It was suggested for the prosecution that the blank in the entry in the Bhor day-book shows that the transaction was not what it purported to be; but the evidence of the man who made the entry contradicts this. He says he believed the entry to be true, and he gave another reason for the blank.

The Pant's explanation is as follows: He says, "This order is to send the money to "head-quarters at Bhor. I sent such an order because the money was payable from my "balance at Bhor. It was not actually paid at Bhor. The meaning of this is that the "sum was not to be entered against the name of Mr. Crawford. The Rs. 10,000 were "never sent to Bhor. I paid the money which I had of my own at Bhor to the Potnis "or treasurer of Bhor. The money was paid from my own private treasury." In cross-examination he stated that he had in his private treasury Rs. 12,000 which had been there for 16 or 17 years in a box since his father's time; that he had no time to send to Bhor for the money from his private treasury, and so adopted the artifice of pretending to remit Rs. 10,000 from Poona to Bhor. As to the crediting of the money at Bhor he said, "The Potnis told me that Rs. 10,000 were credited in my khásgi "wátni books of Bhor as having been received with letter No. 72. I told the Potnis to "credit the rupees when I gave them to him. I told him to credit them as received "with letter No. 72. I gave the letter and money to him. I told him the Rs. 10,000 "had come out of my private treasury." The evidence of the Potnis already quoted, if it be true, shows that the Pant could not have told him this, for he believed the money had come from Poona. The reason the Pant gives for not sending to Bhor for the money is hardly satisfactory, as there was no urgent necessity for his paying the money at once. His private treasury, he says, is in his own custody and he keeps the key of it. There is no evidence except his own statement to prove that he had such a treasury. It was suggested that the artifice of a feigned remittance to Bhor was designed in order to conceal more fully the payment of so large a sum of money in Poona. But against this supposition we have the fact that the Pant says he did not keep the matter secret, but told his Potnis that the money came from his private treasury, and, further, the fact that if the story of the bribe be true, the Pant admitted Dáda Phátak and Nátu Ex. CY.

into the secret. If secrecy were necessary, Dáda Phátak, who was connected with the British Government, was not a likely person to be sent to witness the payment of the bribe. The books and other papers are thus all on the face of them inconsistent with the payment of the bribe, and the statements of the Pant with the view of neutralising this fact are not to our mind satisfactory.

awford's tion to- ards the nt.

We now proceed to apply to this charge a test which seems to us in this instance of special value, that is, an examination of Mr. Crawford's action in matters affecting the Pant, in order to see whether his conduct is suggestive of guilt or of innocence. According to the evidence for the prosecution Mr. Crawford had been endeavouring, in conjunction with Dáda Phátak, to obtain money from the Pant as early as March 1887, and had been engaged in a similar attempt through another Bhor officer still earlier; and the bribe is said to have been paid on the 7th of September 1887. A large number of documents have been put in, partly by the prosecution and partly by the defence; and we have no reason to doubt that we have full materials before us for forming an opinion of Mr. Crawford's behaviour to the Pant generally, as well as in particular instances. We attach so much importance to this part of the case that we shall go briefly through the various matters.

orest marcation heme. c. MD. c. MF.

For some years a scheme of forest demarcation was in course of completion. On the 16th of July 1879, Government approved of and confirmed an agreement made by the Political Agent with the Pant in respect of the forests in the State. By the agreement the Pant engaged :—

"That his forests shall be demarcated for reservation by a British Forest Officer in consultation with his officers, care only being taken that reservation is not carried to an extent which will materially affect his (Pant's) present land revenues. The demarcation being completed the Conservator was to lay down, in consultation with the Pant, a scheme for the administration of the forests in accordance with the principles of British forest law and forest administration containing rules on which planting, cutting, rotation, and other points of forest management are to be conducted and forest privileges granted or withheld."

c. 84 idhágad ests.

In 1885 a complaint of certain persons regarding forest demarcation in the Sudhágad Táluka in the Bhor State was forwarded to Government by the Commissioner, together with a memorandum from the Commissioner and letters from the Political Agent and Conservator, on which the following resolution was recorded on the 14th of December 1885:—

"The Pant has agreed generally to adopt the British principles of conservation, and also to adopt the demarcation in Sudhágad. He objects to some details and is supported in certain respects by the Political Agent. The Political Department may be informed that there appears no objection to modify the demarcation as the Political Agent proposes, but this should be done at once, the result communicated to the Conservator of Forests, N. C., who can make his remarks, and the demarcation then finally confirmed. Some reduction of the forest area seems open to no objection, and there does not seem to be any good reason for pressing the Pant to do what he does not wish as to the inclusion in forests of land under cultivation or land really wanted for cultivation or inám land."

c. DC.

On the 30th of December 1886 the Pant forwarded to the Political Agent a report, together with statement and maps, prepared by the State Forest Officer on examining the demarcations proposed by Mr. Hornidge, an officer of the Indian Forest Department in the Sudhágad Táluka, and he appended to it the following paragraph from a report of the Bhor Forest Officer:—

"The revenue of the State would be affected every year by making reserved forest in the 1st and 2nd class forest lands, but such loss would probably be recouped if the cutting and felling of forest is carried out as at present at proper times and places."

c. DD.

These documents were forwarded by the Political Agent to the Conservator of Forests through the Commissioner with a letter dated the 11th of April 1887. Mr. Crawford returned the papers for further explanation under the following order of the 27th of April 1887:—

"Under Government Resolution No. 10,020 of the 14th December 1885, the Sudhágad demarcation is to be modified to the extent proposed by the late Political Agent, Mr. King. The reductions in forest area consented to by Government are of the following kinds of lands: (1) under cultivation, (2) really wanted for cultivation, (3) inám.

"The details of areas proposed for exclusion as per statement No. 3 are as follows:—

	A.	g.
1. 'Warkas' land with no trees - -	6,842	7½
2. Kharìf land - - - -	26	17
3. Toddy groves - - - -	168	34
4. Inám land - - - -	9	34½

"There is nothing in the Chief's communication or Maráthi statement No. 3 why lands of the 1st and 2nd classes above are proposed for exclusion. They may be cultivable lands, but unless they are *under cultivation* or *really wanted for cultivation* they cannot be left out of the demarcation line. The Political Agent is requested to explain the point to the Pant and to obtain from him a statement of his reasons with reference to lands entered in Maráthi return No. 3. The statement should be submitted by the Political Agent with his opinion thereon. Toddy groves are very suitable for forest, and it is not clear why the Pant proposes to exclude them from the reserved area. The area of inám to be excluded is very small and is situated in the following two villages:—

	A.	g.
1. Vavloli - - - - -	5	14½
2. Khudasai - - - - -	4	20

The land in the first-named village is surrounded by forest on all sides, and its exclusion from the forest block would be inconvenient both to the inámdár and the managers of the State forests. The Commissioner trusts that the Chief will come to some understanding with the inámdárs of the two villages named above and withdraw his objections to the demarcation proposals almost approved of by Government. It is requested that these papers may be returned with the information above called for as early as possible."

The reply to this from the Political Agent is dated the 15th of February 1888, and runs as follows:—

"I have the honour, in returning the accompanying papers, to ask that the approval of the Government may be obtained to the modifications of the proposed forest reserves suggested by the Pant Sachiv. Some concession to the Pant Sachiv's wishes is, I think, only reasonable when he has expressed his willingness to adopt generally the proposals for conservancy suggested, and I am disposed to agree with him as to the impracticability and inexpediency of putting groves of palm trees, the property of individuals, into forest, nor do I think it expedient from any point of view to insist upon the acquisition of inám lands or to lay too much stress on the inclusion of all other lands. It is scarcely practicable to go over the proposals of the Pant's forest officer without following him over the ground, but the amount proposed to be excluded is only acres 6,849-7½ out of a total of acres 47,167-8, and it is rather the policy of conservancy of hill slopes we wish to insist on than that every acre of hill slope should be included in forest. The control too of the forest will remain with the Pant, and it will be better to have no excuse hereafter to be pleaded for want of efficiency in that direction.

On the 8th of May 1888 Mr. Crawford sent the whole of the papers for perusal to the Conservator, with a letter in which he said:— Ex. 86.

"Mr. Keyser agrees with the suggestion of the Chief, and as an area of over 40,000 acres will be under forest in a single táluka, I do not think that the Chief should be pressed for more land, especially as from the last sentence of Government Resolution No. 10,020, Revenue Department, dated 14th December 1885, it is clear that Government do not wish to influence the Chief any way against his wishes. On your returning these papers the final confirmation will be communicated to the Chief and the result will be reported to Government."

The reply of the Conservator, dated the 14th of May 1888, gave a qualified assent to these proposals. The case was then submitted to Government by the Commissioner under a letter cited in a resolution of the 24th of July 1888, which finally disposed of the subject:— Ex 87. Ex. 88.

"The Commissioner, C. D., should be informed that the modifications now proposed by the Pant of Bhor in the forest demarcation scheme of the Sudhágad Tálúka meet with the approval of Government."

haracter of rawford's rders as to marcation heme.

From this correspondence it will appear that the only question with reference to the demarcation of Sudhágad State forest pending in September 1887 was, whether certain lands, including inám lands, which the Chief wished to exclude, were to be included in the demarcation area or not, and that in July 1888 the Government decided this point in the Pant's favour. Throughout the whole of these transactions, both before and after the alleged receipt of money from the Pant, Mr. Crawford's action was natural and consistent, and his views were in accordance with those of the collector and were approved by Government.

uestion as cutting mber in udhágad rests. x. CZ.

Before the demarcation scheme had been finally sanctioned the Pant addressed Mr. Crawford upon a point concerning the Sudhágad forest. The Pant sent a vernacular petition, dated the 30th of April 1887, but issued on the 10th of May, to the Commissioner virtually asking permission to provide for the cutting of timber in the Sudhágad forests by farming it out to contractors instead of by departmental agency, and in support of his request forwarded a report from the State Forest Officer giving the reasons for it. A translation of the petition is as follows:—

"The demarcation boundaries of the Sudhágad Táluka having been fixed, the statements and other papers have been sent to the Political Agent, Sátára, along with the English letter No. 142 of the 30th December 1886. Amongst them (papers) there is the forest officer's report No. 114, dated 28th December 1886, in paragraph 11 of which it is stated that the preservation of forest in Nos. 1 and 2 causes loss of revenue annually, and that the present annual loss in revenue will probably be recouped if the forest were as before felled in such places as, and at such times when, it becomes fit for felling. The papers have probably reached you for transmission to Government. The forest officer's report No. 166, dated 26th April 1887, is enclosed herewith, and shows that at present the Sudhágad Fort Ghera and some (other) forests have become fit for felling, and that if they are not felled in proper time the trees will rot and get hollow, thus causing loss; and I have to inform you that I have decided that the cutting of the said forests should as before be given in contract. To cut timber at the expense of the State and to sell it in lots would not even repay the expenses of cutting, because the timber (to be cut) is not on the plains; it is on the hills and will have to be cut there and brought down on men's heads to the plain country from a distance of one or two kos; this would involve heavy outlay. As it would not pay to fell the timber departmentally and sell it in lots, it is necessary that it should be given in contract to a farmer as before. Formerly when (cutting) was farmed out an agreement used to be taken from the farmer. A copy of this agreement is sent for your perusal.

"I understand that in the Kolába District the practice of farming out cutting of timber still prevails. (I) therefore solicit your advice to farm out cutting (of timber) to a farmer as before, so that I may act upon it. Do you be pleased to know this. What more need be written?"

The report of the Bhor Forest Officer referred to in that petition contained the following passage:—

"Of late there have been no cuttings of timber; and if tracts be offered to merchants (for cutting), the merchants say they will take them if the right (to cut) be given out in farm by auction as it used to be. The objection to doing so is that according to the decision which has been arrived at the felling should take place with the consent of the Conservator of Forests and this State, that is, the felling should be done departmentally and the timber should then be stacked and sold in lots. This would entail enormous expenditure on labour as the forest is situated in a place very difficult of access. Thus the State will not gain the same revenue as before."

The petition in original was sent to the Political Agent with an endorsement in the vernacular, dated the 4th of July 1887, and signed by B. G. Sáthe, for the Commissioner, of which the following is a translation:—

"The correspondence mentioned in the above memorandum has been sent in English to you. In answering it the favour of your opinion on this memorandum is requested. Let this be known to you."

On the 19th of August 1887 an endorsement was made, also in the vernacular, signed by Mr. Grant, the Political Agent, of which the following is a translation:—

"The Pant Sachiv has not yet sent full information regarding explanations called for in the above-mentioned English correspondence. When that information has been

obtained the matter with the explanation is to be returned to you. It seems to me to be advisable to consider the matter which the Pant has now written about, after the demarcation work has been completed. Let this be known to you."

The Pant next prepared the reminder dated the 1st of August 1887. We have already given our reasons for concluding that this was presented by the Pant to Mr. Crawford on the 6th September. It runs as follows:— Ex. DA.

"A letter, No. 15, dated the 30th April 1887, was sent to you, stating that the forests of táluka Sudhágad had become fit for felling, and requesting that a reply might be sent permitting to let out the felling by contract; but no reply has as yet been received thereto. The present time is the proper season for felling timber, and loss will result if no arrangements are now made in that respect. It is requested, therefore, that an early reply to the former letter, granting the prayer made therein, may be sent. Let this be known to your Honour."

Mr. Crawford's order, the draft of which is in his own hannwriting, is as follows:— Ex. III.

"I duly received your yádi of the 10th May last, for which you have asked an answer yesterday. I talked over the question you submitted with Mr. Grant, the late Political Agent, when I was recently at Sátára, and we agreed that the Sudhágad forest being your private property, lying within your own territory on the borders of the Kolába District, and in no way connected with the Sátára or Poona forests or watersheds, there is no reason why you should obtain any permission to cut it from me or from any person. What you have to guard against, however, is that your subordinates and the people employed to cut the wood shall observe all the rules of the British Forest Officers when the wood passes over your boundary into British territory in Kolába, Sátára, or Poona. You must take care also that your employés when cutting in the vicinity of the Kolába forests do not trespass and cut in them. I advise you to adopt every possible precaution in these matters. As to whether you shall cut your wood departmentally or by contract, that is a matter which entirely concerns yourself, and no orders are needed from any one on the subject.

7/9/87.

Thro' the Political Agent, Sátára.

(*In pencil on slip of paper attached, also in Mr. Crawford's writing, and addressed to Pendse.*)

A copy of this reply may be sent to the Pant direct.

7/9."

The view ultimately pressed upon us by the prosecution was that this order of Mr. Crawford was corruptly made, and was the consideration for which the Rs. 10,000 was made. This view is merely speculative; it is not only not supported by the Pant's evidence, but is inconsistent with it. It was sought, however, to strengthen the case by the contention that Mr. Crawford's order was a strange and improper one to make under the circumstances. It was suggested that the order was inconsistent with the agreement of 1879. It is, however, clearly not so, for the agreement provides that the scheme under it was to be laid down only on completion of the demarcation, and in September 1887 the demarcation had not been completed. There was no obligation with which we have been made acquainted that the Chief should await the completion of the demarcation before cutting timber; on the contrary, Mr. Grant says that the cutting in the forest was not stopped during the demarcation, and Mr. Grant's evidence, as to the opinion expressed by him in the endorsement of the 19th of August, rather tends to show that he signed it as a matter of routine without deliberately considering the effect. The wording of the State Forest Officer's report where it says that a decision had been arrived at by which the felling should take place with the consent of the Conservator and the State, that is, the felling should be done departmentally and the timber should then be stacked and sold in lots, is the only plausible ground urged for the impropriety of Mr. Crawford's order; but that decision has not been laid before us, we do not know whose decision it was, and we must assume that it has no bearing upon the case. Mr. Grant agrees with Mr. Crawford in the view that the Pant had a right to cut his own forests. The only real doubt Mr. Grant seems to have had as to the propriety of the order was whether it might not lead to the infringement of the rights of inámdárs, but there is no evidence before us that there were any inámdárs whose rights could be endangered by the order. The only ináms of which we have heard anything in connexion with the Sudhágad forests are those which at the Ex. MF. Ex. CM.

Character of Crawford's order. Pant's request were excluded from the demarcation. We can see no grounds from the character of the order for impugning its propriety, still less for imputing bad faith to Mr. Crawford.

Question of enhanced rates. Ex. 183. A letter from the Political Agent, dated the 26th of August 1887, refers to a question then apparently under consideration, of requiring the rayats of certain villages in the Bhor State to pay enhanced rates retrospectively from the year 1877 in which they were announced. The rayats had questioned the fairness of the rates at that time, and the levy of them was suspended pending an inquiry into the objections. This inquiry spread over many years. The Political Agent in his letter wrote, "The amount of arrears will now be serious," and that he thought they might be commuted for 25 per cent. to be levied in instalments. On the 19th of September Mr. Crawford wrote in reply :—

"The fairest way would seem to be that the Chief should recover only from the date on which the settlement was sanctioned by Government orders. Petitioner will be so informed from this office."

Ex. 184. This decision was not acceptable to the Chief, who maintained his right to levy the rates, which had been found to be fair, from the date on which they were announced, and concluded a letter of the 7th of November to that effect in these words:—

"As directed in your letter, I have ordered the Vichitragad Mámlatdár to suspend the measures that may be in progress for the recovery of arrears. But I shall feel obliged if you will kindly give consideration to the question placed before you in the most earnest and cordial manner, and invite the Commissioner, C. D., to consider the propriety of reconsidering the decision which, as it will appear from the shera above referred to, is against the practice obtaining in the British district."

Ex. 185. In January 1888 certain rayats of these villages petitioned Mr. Crawford, who, in sending the petition to the Political Agent, wrote as follows on the 23rd of that month :—

"It appears from the above petition that the Chief of Bhor has not yet given effect to the suggestions communicated to him by Mr. Acworth in paragraph 2 of his letter No. 926, dated 22nd September 1887 (addressed to the Chief, and copy of which was received with the Political Agent's, No. 927, dated 22nd idem). The Political Agent should now request the Chief to carry out *at once* the said suggestions, and to refund to the parties concerned the excess recoveries, if any, made prior to the 3rd of September 1885, the date on which the settlement was sanctioned by Government."

Ex. 186. The Political Agent, in a letter of the 4th of February, represented that the claim of the Pant was equitable for reasons given by him, that he could not ascertain that the rates had ever come under the consideration of Government, and that there was not any trace in his file of their being sanctioned by any authority other than that of the Pant.

A reminder was sent to Mr. Crawford on the 21st of March 1888, who, finally on the 14th of April 1888, disposed of the matter by the following order :—

"Under the circumstances now stated by Mr. Keyser it is clear that the settlement of survey rates in the Bhor State does not require the sanction of Government. The inquiries made have proved that the survey rates are moderate, and the petitioners should therefore be informed that the Commissioner sees no reason to interfere with the order of the Chief."

Character of Crawford's orders. From this correspondence it appears that on the 19th of September 1887, twelve days after the bribe is said to have been paid, Mr. Crawford made an order adverse to the Pant on a subject seriously affecting the Pant's pecuniary interests, which he was obliged to rescind six months afterwards upon its being shown to him by the Political Agent that the order had been based on a mistaken impression, and was therefore unjust to the Pant.

The Dhaigude case. Ex. 190. On the 30th of April 1887 the Political Agent in a letter of that date reported to the Commissioner what he considered to be improper conduct on the part of the Pant in respect to a claim of Rs. 75 from the Dhaigude family with regard to a kuran granted to them by the Peshwás. The previous Political Agent had decided that the family were in possession of the kuran, and that a recovery of Rs. 75 from them was unwarranted. The Political Agent's view of the Pant's proceedings is sufficiently described for our purpose in the last paragraph of his letter :—

"The case is an example of the insidious manner in which a kadim inámdár may be unjustly absorbed. The Pant obtains from a subservient kárkún in his employ, who

chances to hold a small share, a recognition of his claim, and an agreement to pay a share of the Pant's demand. The total is then entered in the accounts as an outstanding renewed claim against the whole family. It only remains to seize an opportunity when the previous correspondence has been forgotten for enforcing it, while the agreement can, if necessary, be produced at any time as evidence in the Pant's own courts, although but for this insignificant sharer being his servant it would never have been obtained. Finally, the action as to entry in the account is taken without the knowledge of the Political Agent and in direct contravention of his expressed opinion."

In a letter of the 31st of March forwarded with the Political Agent's report, the Pant had stated that the records were under search, and that on obtaining additional evidence he would be in a position to ask for a review of the decision passed. Mr. Crawford's order dated the 21st of September is in the form of an endorsement on the Political Agent's letter, signed by Pendse, and runs as follows:— Ex. 191.

"Returned with compliments. The papers were retained pending receipt of the additional evidence promised by the Pant in the last paragraph of his letter No. 36 of 31st March last. This has not, however, yet been received. The Collector is, therefore, requested to forward it if received; if not, to expedite its transmission and to remind the Pant at the same time that the evidence, if any, must be produced within a definite period."

On the 14th of October the Pant wrote from Bhor:— Ex. 192.

"In acknowledging receipt of your letter No. 948, dated the 3rd instant, I beg to state that the question relative to the kuran land at Bhade has been finally disposed of and the orders passed thereon have been carried out. It is for me to ask for a review, and I hope I shall not be precluded from applying for it when I get sufficient evidence in support of my claim thereto after searching the records. In many cases I find that the cases which have been once for all decided are re-opened even at the request of the petitioners after a lapse of years. In the same way I shall be allowed the indulgence if I find any evidence to prove my case. In my recent visit to the Commissioner, C. D., in September last, I spoke to him about the Dhaigude case and expressed my desire to appoint a Vakil to represent my interest in the case after finding the requisite evidence. The Váda has been destroyed by fire a few years ago. The records therefore are in a state of disorder, and it is difficult to find out the requisite papers connected with the case in a short time. The Commissioner on his part has promised to reconsider the case if he finds any evidence produced by me sufficient for reconsideration."

On the 21st of October the Political Agent, in forwarding this, wrote:—

"The Political Agent would beg to append copy of a letter received from the Chief of Bhor, No. 135, of the 14th instant, in which he states that the orders issued regarding the kuran at Bhade have been duly carried out. The Chief has not as yet found anything on his records enabling him to ask for a review, and the undersigned distinctly informed him that if he failed to produce his evidence before the end of the current month, the matter would not be allowed to be re-opened. It might be as well for the Commissioner, if he thinks proper, to repeat the same advice and to close the correspondence after expressing his displeasure at the Chief's conduct in taking the steps he did, apparently with the view, as reported by Mr. Grant, of contravening the orders of the late Political Agent, Mr. King, in favour of the recognition of the Dhaigude's title as kadim inámdár in respect of the kuran in question.

And the matter was finally closed by the following order of Mr. Crawford, dated the 10th of November 1887:— Ex. 190.

"The Political Agent of Poona is requested to inform the Chief that I am exceedingly dissatisfied at the course he has thought proper to pursue in this matter in evident evasion of the advice of the late Political Agent, Mr. King. That advice must now be attended to, and this correspondence closed. With reference to the Chief's last paragraph, the Chief has not very ingenuously construed a few courteous general phrases at a formal visit to the effect that I would duly consider any application he might make to me into a specific promise which was never given, even by inference, that I would re-open this or that particular case." Crawford's order.

In 1886 a reference was made to Government by the Political Agent through the Commissioner respecting the proposal of the Pant to appoint as Kárbhári of the State a relative of his own. The Political Agent pointed out that as Kárbhári the man Appointment of Kárbhári. Ex. DV.

nominated would have the chief control of both revenue and judicial work throughout the State, and that he was not qualified for those important duties by age, education, or training. In forwarding this to Government on the 10th of July, Mr. Crawford made the following remarks:—

"The nomination made by the Pant Sachiv is a hopelessly bad one, and, if it is sanctioned, serious trouble and complication in the Bhor State are inevitable. I cannot believe that Government ever contemplated letting the Pant or any other Chief appoint a Kárbhári without regard to the approval of the Political Agent as the representative of his Excellency the Governor in Council."

On receipt of an explanation from the Pant forwarded by the Political Agent, who in forwarding it adhered to his former views, Mr. Crawford wrote on the 17th of July that he had nothing to add to what he had already written.

The proposal seems to have been negatived or dropped, for soon after K. B. Phátak was recommended by the Political Agent for the appointment as selected and recommended by the Chief of Bhor for a certain fixed period of time, say, three years. In forwarding this Mr. Crawford wrote on 30th August:—

"I see no objection to the appointment of Mr. Phátak for three (3) years; but I should have much preferred to have seen the Pant nominate an experienced revenue officer."

The result was that Phátak's appointment was sanctioned by a Resolution of Government dated the 8th of October 1886.

Khoti settlement.
Ex. 202.

In May 1887 the Political Agent represented the necessity for appointing a British officer of the rank of Mámlatdár to effect the khoti settlement of the Sudhágad táluka in the Bhor State on the ground that impartiality between the rayats and the State officers could not be looked for. On the 29th of June 1887 Mr. Crawford returned the correspondence with the following endorsement:—

"This correspondence carried on on a simple matter for years will not be prolonged under me, as the Bhor authorities must be brought to understand. The Chief should be given very plainly to understand that, unless such an application as you suggest in your 4th paragraph be made, or unless a settlement likely to be regarded as satisfactory by Government be submitted to you within two months, I shall be constrained with great regret to make a very serious representation to Government regarding the incompetence of the revenue establishment of the Bhor State."

On the 14th of July the Political Agent reported that the Chief had accepted in principle the advice so long pressed on him in vain, and said the Chief had been told that the Commissioner had been moved, if the officers asked for by the Chief could not be spared, to himself select a competent officer for the work. On the 16th of August Mr. Crawford replied that there was no probability of either of the two highly-paid officers asked for being available, and for this and other reasons suggested for the work

Ex. 205. Yádavráo K. Sáthe, who was willing to undertake it if the Pant consented and would give him a salary of Rs. 150 per mensem. On the 11th of September the Pant, in a letter from his camp at Poona, objected to the appointment of any special officer for settling the khoti question as entailing unnecessary cost to the State, and asked for a

Ex. 206. reconsideration of the question. A copy of this was sent direct to the Commissioner, who on the 4th of November 1887 asked the Political Agent to forward any reply

Ex. 207. that might have been given to the Pant. This was apparently sent with a letter dated the 29th of November, but the Commissioner on the 19th of December returned the papers for the Political Agent's remarks, which had been withheld on the ground of Mr. Keyser's having only recently taken charge of the office. The papers were not

Ex. 208. returned till the 9th June 1888. The Political Agent then deprecated the appointment of Yádavráo Sáthe, and submitted that it should be left to the Political Agent to advise the Pant on the appointment, should an officer in Government service be

Ex. 209. selected. On the 11th the papers were returned with the intimation that the Political Agent was at liberty to nominate whom he liked, and that Yádavráo Sáthe could under no circumstances then be spared, nor would it be worth his while to take up the place long ago suggested.

Lakshman bin Keru's case.
Ex. 196.

On the 14th of July 1887 Mr. Crawford passed the following order on a case submitted by the Political Agent:—

"From the detailed history of the petitioner Lakshman bin Keru's case given by Mr. Grant, it is quite clear that the petitioner is the Watandár Koli of Mauze Kondhur, and that the resumption of his inám land by the Chief of Bhor was irregular and

unjustifiable. The Chief should, therefore, be advised to restore the watan land to the petitioner; and he should also be told that, in case of his refusal to comply with the Political Agent's advice, the matter will have to be brought to the notice of Government. The petitioner was kept out of the watan property through the machinations of the officiating kulkarni of his village; and the Commissioner regrets to find that the State Administration could not effectually check this intrigue, and afford redress to the aggrieved party."

Remuneration of village officers.

On the 27th of June 1887 Mr. Crawford wrote as follows on a report, not before us, of the Political Agent, apparently respecting the remuneration of village officers in the Bhor State:—

Ex. 89.

"Returned with compliments. The undersigned regrets to observe the persistent disregard displayed by the Chief of the advice and wishes of the Political Agent. This is a notable instance. The undersigned will insist and, in all probability, strongly support any measures Mr. Grant may propose."

Ex. 195.

This question was not finally settled till May 1888, when Mr. Crawford wrote as follows:—

"From extract, paragraph 2, of the Political Agent's letter No. 153, dated the 16th March last, to the address of the Chief of Bhor, received with Mr. Keyser's No. 154, dated 16th idem, it appears that the question of remunerating the village officers in Bhor seems to have been finally settled by the Political Agent. He is, therefore, requested to give a reply to the petitioner accordingly, and return the papers to this office for record. The undersigned will not interfere."

Ex. 194.

The documents referred to in the letter are a letter from the Political Agent to the Commissioner, containing an extract of a letter from the Political Agent to the Pant. The material part is as follows:—

"I have the honour to forward the final reply of the Pant to the request to introduce Wingate's scale of remuneration to village officers into his territory, a question with which he has been fencing in the manner always adopted by him for now a year. His reply now is not completely satisfactory. I append an extract of my reply to him, paragraph 2.

"'I am not prepared to accept the modification suggested in your third paragraph, and in forwarding your letter to the Commissioner, I shall inform him that I assume unless I hear to the contrary, that the payments sanctioned are those laid down in pages 515 to 520 of Nairn's Handbook, Edition 1884. I enclose you an extract of the Government orders, showing what these are.'"

Jagtáp case. Ex. 182.

On the 5th of October 1887 a petition from one Balvantráo Shripatráo Jagtáp was forwarded to the Political Agent, with the following order by Mr. Crawford:—

"It appears from paragraphs 2 and 3 of the above petition that the Chief of Bhor has not carried out the suggestion of Mr. Grant, communicated to him in paragraphs 6 and 8 of his memorandum of 6th December 1886. The Political Agent is requested to be so good as to cause an inquiry to be made as to the apparent delay on the part of the Chief, and report the result to the undersigned at an early date."

Ex. 90.

The Political Agent replied on the 10th, stating that he had received no reply to his last letter from the Chief, and suggesting that the Commissioner should address an admonition to the Chief, in consideration of the inexcusable delay which had been allowed to occur in giving effect to Mr. Grant's advice.

On the 25th Mr. Crawford wrote:—

"The Political Agent is requested to inform the Chief that unless the matter is reported to me as settled to the Political Agent's satisfaction, by the 10th proximo, I shall be compelled to lay the matter before Government."

The matter then dropped, as the reply was received by the 29th of October.

Bhide's case. Ex. 193.

The following order was passed by Mr. Crawford on a petition of one Bhimáji Dasko Bhide Kulkarni on the 9th of December 1887, when forwarding it to the Political Agent:—

"In this case a prolonged and much vexatious correspondence has ensued, without the question at issue being brought to a successful termination. Mr. Keyser is, therefore, requested to personally sift the question of remunerating the petitioner, and to make specific proposals to the Chief of Bhor, and if the Chief does not accept them

within a reasonable time to be named by the Political Agent, the correspondence should be submitted to the undersigned with opinion."

Nána's case. x. 197. On the 23rd of January 1888, in forwarding a petition of one Nána bin Malhárráo, Mr. Crawford wrote to the Political Agent:—

"If the Chief of Bhor has not yet supplied the further explanations required of him by the Political Agent (*vide* his communication No. 1,026, dated 20th October 1887), he should be requested to comply with the Political Agent's wishes within a specified period, say 15 days, and a report on the petitioner's case submitted at as early a date as possible. The disposal of the petitioner's claim has been unnecessarily delayed for over a year, and further delay, owing to the Chief's not promptly furnishing the required information, seems simply vexatious."

x. 198. The reply of the Political Agent, dated the 28th of Febuary, ran as follows:—

"As he is travelling, some allowance may be made for him, but I am quite in accordance with you in thinking it necessary to urge upon him the necessity of conducting his correspondence on references from this office in a more businesslike manner, and you may rely on my doing the best I can to ensure his doing so."

Kotnis' case. x. 199. In April 1888 the Political Agent sent up a report, dated 12th idem, on the petition of one Krishnaráo Sadáshiv, hereditary kotnis, or house steward, to the Pant, and suggested the action to be taken on it in the following paragraph:—

"Probably the Chief having recently shown himself more amenable to advice, I could get an amicable settlement; but if Government would express an opinion on the case it would strengthen my hands in future. I think the Pant should be asked—

"To pay such reasonable compensation to the applicant for the inconvenience caused him by the juxtaposition of the school building cutting him off from light and air, and impeding the main entrance, as may be settled by arbitrators appointed for the purpose;

"To pay him, with arrear, the rentcharges or dumála allowances withheld; and

"To allow him to provide for the service of kotnis at his own cost, and to continue to draw the allowances attached to the office, or else to compromise by deducting a portion of the fixed allowance for service in future. I would suggest that arbitrators be appointed to fix the compensation, one to be named by the Chief, one by the applicant, and the third by the Political Agent."

x. 201. Mr. Crawford passed on the 13th of April the following order to Pendse on the report:—

"Send any F. P. there may be, and kindly read them and report, and see if latter exhausts the subject."

And on the 16th of May received from him the following reply:—

"There is no F. P. in this, and I find that Mr. Keyser's report sufficiently deals with the complaints of the petitioner. I beg to append a memorandum setting forth the substance of the various allegations made in the petition. Mr. Kharkar kindly prepared it for me. The various complaints made in the petition are apt to look like so many different matters, but they really resolve themselves into two distinct matters, viz. (*a*) the erection of the High School building in a way to affect injuriously the private rights and easements vesting in the petitioner; (*b*) the withdrawal of the nemnuk enjoyed by the petitioner's family. The compromise proposed by the Political Agent in respect of these two matters seems to me reasonable."

x. 200. In accordance with this Mr. Crawford issued an order on the 19th of May.

In the whole of this series of orders there is not one affording any ground for suspecting corruption. Before the bribe is said to have been asked for, while the negotiations for it are said to have been pending, about the time when the money is said to have been paid, and after that time, we find Mr. Crawford acting on the same principle, that of supporting the Political Agent. We find Mr. Crawford addressing the Pant in a very distant manner, very sharp in his rebukes, and very imperative in insisting upon obedience to the Political Agent. And the only order in the series shown to have been wrong is the one which was recalled at the instance of the Collector on the ground that it was unjust to the Pant. The result is that Mr. Crawford's conduct towards the Pant has been so inconsistent with the story of his having taken a bribe of Rs. 10,000 in September 1887 as to afford, in our opinion, very strong evidence that that story is untrue.

We are of opinion that Mr. Crawford is not guilty of this charge.

General Conclusion as to Corruption.

The general result of our consideration of the charges of corruption is that in our opinion Mr. Crawford is not guilty of any of those charges.

Charges of Borrowing.

Charges of borrowing.

The 33rd charge consists of two parts. The first part charges Mr. Crawford with having borrowed money from certain persons, native-born subjects of Her Majesty, within the division of which he was in administrative charge. Mr. Crawford, when pleading to this charge, admitted having borrowed from several persons mentioned in the charge, and no other cases were established. It was necessary to call evidence only to show the amounts borrowed, and that the lenders were at the time of lending within the division of which Mr. Crawford was in charge. It was thus shown that Mr. Crawford borrowed from Santapchand Navalchand, carrying on business in Poona under the firm of Sobháchand Mánekchand, the following sums:—Rs. 9,000 on the 10th of September 1887, Rs. 3,000 on the 10th of January 1888, and Rs. 5,000 on the 7th of May 1888. He borrowed from the Poona firm of Kering Amarchand Rs. 20,000 on the 13th of February 1887, Rs. 2,500 on the 8th of September 1887, and Rs. 6,000 on the 12th of March 1888. He borrowed from Sorábji Cowasji Captain, of Poona Rs. 8,000 on the 10th December 1887, and Rs. 6,000 on the 9th of June 1888. He borrowed from the firm of Jasrup Punamchand Rs. 4,000 on the 29th of October 1887.

Borrowing from native

Borrowing from subordinates.

The second part of the 33rd charge accuses Mr. Crawford of having on various occasions borrowed money from his official subordinates. Three of these cases were proceeded with on the part of the prosecution; a charge of borrowing Rs. 300 from Pendse, the assistant to the Commissioner, on the 9th of January 1887, a charge of borrowing Rs. 350 from Soman, then mámlatdár of Páchora, in March 1888, and a charge of borrowing Rs. 50 from Vád, then mámlatdár of Bhusával, in March 1887.

As to the Pendse case, the only evidence for the prosecution is that of Pendse himself. He produced a letter from Mr. Crawford, dated the 9th of January 1887, in the following terms:—" Kindly help Luis in whatever he wants in sending off kit to " Kopargaon, and advance him whatever money he requires. I will repay on my return " on Wednesday morning." Pendse says he on this advanced Rs. 300 to the butler, and on the 15th Mr. Crawford again wrote to Pendse, " Kindly let me know what I owe you for railway freight." Mr. Crawford said that the money was advanced to defray the expense of moving his camp to Kopargaon, an expense which would ultimately fall, according to him, about two-thirds upon him and about one-third upon Government. And Mr. Crawford's letters tend to confirm him as to the nature of the advance. Evidence was called in reply to contradict him, but it completely failed to do so, and we accept his account. The circular of Government, No. 956, of the 27th of March 1844, under which this charge is framed, prohibits, not the incurring of indebtedness in any way, but simply borrowing money from, or on the security of, subordinate servants; the provision is of a highly penal character, and we must not strain it so as to apply it to any case not falling strictly within its terms. In our opinion the transaction in question was not a borrowing within the meaning of the rule.

As to Soman's case, Soman says he advanced Rs. 350 in March 1887, for which Mr. Crawford promised to send a cheque, but never sent it, and Váman, the Sub-Registrar of Páchora, confirms him. Mr. Crawford says there was no advance, but that he gave Soman a cheque at the time, which he had always supposed had been presented. We are not prepared to say that it is clear beyond reasonable doubt that the two men are right and Mr. Crawford wrong. We therefore are not prepared to convict on this charge.

As to Vád's case, Vád swears that in March 1887 he lent Rs. 50 to Mr. Crawford at the Bhusával railway station. Mr. Crawford swears that he did not. Upon this evidence we cannot convict.

A. Wilson.
J. W. Quinton.
R. J. Crosthwaite.

Enclosure No. 2 to No. 5.

MINUTE on the CASE of Mr. A. T. CRAWFORD, C.S., C.M.G., charged with Corruption in his OFFICE as COMMISSIONER of the CENTRAL DIVISION.

THE Commissioners appointed to investigate the charges preferred against Mr. A. T. Crawford having now presented their report, the duty devolves on Government under Act XXXVII. of 1850 of pronouncing on the proof or failure of proof of malversation. In discharging this duty Government must obtain all the assistance from the report and the proceedings of the Commissioners which those records can afford, but it is bound, using these valuable aids, to form its own judgment on the innocence or culpability and the degree of culpability of the accused officer.

2. Before proceeding to a detailed examination of the case it is desirable that a full acknowledgment should be made of the painstaking and laborious diligence with which the Commissioners performed the task assigned to them. It must have been in many ways an irksome and even a repulsive one, but the persistence and minute care with which it was performed seem never to have flagged even to the close of the inquiry. As it will not be possible for Government in all respects to adopt the views of the Commissioners, it is the more incumbent on it to recognize the conscientiousness, acumen, and patience with which those views have been arrived at and presented.

3. This acknowledgment of the Commissioners' ability and zeal having been made it seems desirable to point out at once the particulars in which, as it seems, they may have fallen into error through the adoption of wrong or defective principles of inquiry. Government, desirous of ascertaining the truth as such rather than of conforming to any artificial canons concerning the reception and rejection and the appraisement of evidence, cannot but consider that the Commissioners have in several instances been fettered and cramped by their discipline in a single and somewhat narrow type of investigation. They have applied some doctrines of the law of criminal procedure in a way adapted rather to exclude testimony of small value wholly from consideration than to set a right valuation upon it. Thus in discussing generally the testimony of the "accomplice witnesses" the Commissioners say that most of them "gave their evidence upon a promise of immunity if they spoke the truth." These promises were in fact limited to the cases in which those to whom they were made should make a complete disclosure of all that they knew. They were made, as the Commissioners say, "solely with the view to make those to whom they were offered speak the truth without fear. But such people," they add, "as those "in question are apt to put their own interpretation upon their undertaking to speak "the truth and to treat it as an undertaking to speak what will support the charge "against the accused." This is really a purely gratuitous assumption. The chief witnesses who spoke on a promise of indemnity were men of good education and tolerably well acquainted with the law. They could not misconstrue an encouragement to tell the truth into a temptation held out by Government to falsehood, and unless they imputed this baseness to the Government, and were themselves base enough to yield to it, how can they have supposed they were called on to give evidence that would tell against Mr. Crawford without regard to whether it was true or false?

4. The Commissioners support their contention that Mámlatdárs were tempted to falsehood by an iniquitous immunity by suggesting that fear was employed or at any rate operated in the same cause. Several instances are adduced of suspensions which the Commissioners think were "calculated to produce the impression that to make "statements criminating Mr. Crawford was to be on the side of Government as "against one who would be regarded as a fallen man and was therefore the path of "safety." The suggestion is that not to depose against Mr. Crawford was regarded as perilous; and yet the instance immediately adduced, that of Deshmukh, amounts to no more than this that Deshmukh said to Kalavde, "We are Government servants, "and as Government has asked us to state the truth we should do so. It is safe and "there is no objection to it." What the witness meant was obviously, "We shall not be punished if we tell the truth, as it is our duty to do." To gather from this that Deshmukh supposed that safety required him or Kalavde to give evidence against Mr. Crawford is to completely misconceive its proper effect. The conversation of Mr. Ommanney, the Inspector-General of Police, with Mr. Navroji Dadabhai, allowing that it was somewhat over-zealous, had no effect on its hearers as his own statement shows. Nor can it have had any effect on the most important witnesses, seeing that

the interviews did not take place until the 17th to 19th of November 1888, when these witnesses had already been examined.

5. The particular instances in which the Commissioners suppose that officers were injured or harassed for not giving evidence against Mr. Crawford have in every case, as it seems, been more or less misapprehended.

The names mentioned by them are those of *Bápat*, *Kalavde*, *Yádavráo Sáthe*, *Patwardhan*, and *Bindu Gopál*.

Taking the case of *Kalavde* it appeared from the information laid before Government by the Inspector-General of Police that this Mámlatdár, after paying for his promotion and transfer from the Násik District to the head-quarters táluka of Poona, became the confidential agent of Hanmantráo for the purpose of introducing Mámlatdárs who were to pay bribes, and in this way became the intermediary of several, chiefly Deshasth Bráhmans serving in the Sholápur Collectorate. He was also intimate with Mr. Crawford, and had received abnormally rapid promotion.* He was residing in Poona City, and the Inspector-General of Police recommended his removal to a distance in order to prevent his influence being used against the inquiries in progress. In consideration of his suspected connection with corrupt practices Government suspended him on the 16th July, along with Mr. Crawford, Bápat, and Yádavráo Sáthe. He was not called upon to make any statement regarding Mr. Crawford or Hanmantráo, but on the 20th August he denied to the Inspector-General of Police (to whom he had been referred by Mr. Nugent, the Chief Secretary) all corrupt connection with any one. The information regarding him was confirmed by subsequent inquiry; and a case brought to notice by Mr. Candy, when sessions judge of Poona, about September, gave rise to suspicions that Kalavde himself was not free from corrupt tendencies, but the matter could not, till the case had been finally disposed of in the High Court, be made the subject of investigation. Kalavde was accordingly continued under suspension and the whole of the case against him made over to the District Magistrate of Poona by the Commissioner, C. D., for inquiry and report.

Bápat's case was entirely different. The information given by the Inspector-General of Police was to the effect that he had not only paid a bribe himself, but was connected with the bribery carried on through Hanmantráo, and was apparently promoted with undue rapidity on that account.† Mr. Ommanney at the time was under the impression that Bápat was, like Kalavde, serving in the immediate neighbourhood of Poona, and would therefore be likely to aid in stifling inquiry. He recommended his removal; but Government acting on this information, suspended Bápat along with Kalavde on the 16th July. It then became known that Bápat was really serving in the Nevása Táluka of the Ahmednagar District. He came to Poona on the 2nd August and made a full statement to Mr. Ommanney, admitting the lending of money to Mr. Crawford in circumstances which made it practically a bribe, but denying complicity with any other corrupt transaction whatever, except one which, though known to Mr. Ommanney, had not been made by him a ground for removing Bápat. By the time Bápat had made his admission the information regarding the real agents and sub-agents for bribery had been so far completed that the officers entrusted with the inquiry were convinced that nothing more than what had been admitted by him could be laid to Bápat's charge, and that moreover his character stood very high with all who knew him. Counting him, therefore, amongst the numerous cases of victims to the system established by Mr. Crawford through Hanmantráo, instead of amongst the smaller class of agents and sub-agents, Government, after taking the opinion of counsel, thought it just to restore him to his place on the 28th September, by which time the charges against Mr. Crawford had been well nigh completed.

Bindu Gopál was one of the Mámlatdárs named as having paid for promotion or favour through Kalavde and Vináyak Govind Deshmukh. He was, with others, called to Poona and interrogated by Mr. Ommanney on the 17th August, or a month after Kalavde's suspension, and when a large proportion of the admissions of others had been already taken. He denied all payment and made specific assertions regarding his pecuniary transactions, which the information received beforehand seemed to indicate were false. Mr. Ommanney therefore reported the case to Government, who on 25th August directed the Commissioner, Mr. Moore, to suspend Bindu Gopál and have inquiries instituted departmentally about his borrowings in his táluka. This was done

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* That is, he was tenth in the fourth grade on April 1st, 1886, fourteenth in the second grade in April 1888, and sub. *pro-tem.* in the first grade on July 1st, 1888.

† He was first in the fourth grade on April 1st, 1886, tenth in the second grade on October 1st, 1886, and ninth in the first grade in April 1887.

through the Collector of Sholápur, and Bindu's statements proved to be false. His suspension was not therefore removed. He had apparently violated a rule which prescribed dismissal as the penalty of its infringement.

Yádavráo K. Sáthe was mentioned in the earlier information received by Government as the confidential clerk acting between Hanmantráo and Mr. Crawford or others in the office, and cognisant of all the corruption that was going on. He was suspended on the 16th July, and on the 20th idem came voluntarily forward and told what was apparently the whole truth about all the cases put to him. Subsequently he gave further information, and indicated points on which the office records would probably throw light. He was not reinstated till the end of September, when the great bulk of the evidence against Mr. Crawford had already been taken. He was examined in the case against Hanmantráo on the 18th August and cross-examined on the 7th September. He has never since his first suspension been allowed to rejoin the Commissioner's office, but has been employed elsewhere.

Vishnu Anant Patwardhan was head clerk in the Commissioner's office, and was mentioned in the report of the Inspector-General of Police as likely to hamper the inquiries being made in that quarter. He was accordingly transferred to Khándesh, where the post of Deputy Accountant had to be filled up. This was done to keep him out of Poona. Subsequently the Commissioner, C.D., had him transferred to Sátára, still on his own pay. By the time he passed through Poona on his way Deshmukh and Yádavráo had given information, and many of the statements had been recorded. Patwardhan voluntarily came forward to add his statement.

Of *Mr. Pendse* the Commissioners say (Report, page 5, paragraph 1) :—"Pendse..... "has.....shown himself unscrupulous in arranging evidence against Mr. Crawford, "and he also took an active part in getting up the case." From the Advocate-General's closing speech it appears that Pendse probably acted throughout in good faith, though certainly with haste and on insufficient information. The service books of Mámlatdárs were not in the Commissioner's office when Pendse drew up his tables, and the Civil and Gradation Lists and such of the quarterly statements as were recorded in the office mainly support his views if merely acting appointments be excluded and the lists be taken in connection with only such appointments as were temporarily substantive. His lists were relevant only to quite a side-issue. Mr. Crawford himself admits that quite up to his suspension he trusted Mr. Pendse and found him trustworthy and friendly.

(See page 12, paragraph 4, Report of the Commission. See page 15, paragraph 3 of this Paper.)

In "getting up cases" Pendse's part was confined to looking out records and tabulating statements of service. He had nothing to do with the witnesses except calling them up for examination, nor did he attend except when specially sent for to explain records at the office where those engaged on the case used to work. He occupied himself in explaining office routine matters or the appointments of Mámlatdárs. Bhimbhái explains his intimacy at pages 340–342 of the proceedings and shows the extent of it.

6. The Commissioners doubtless were not aware, although it was the fact, that a large number of Government officials, mostly Mámlatdárs,* besides those examined in the case, were invited to make disclosures, and although they declined to do so yet have sustained no injury in property or position. On information which seemed *primâ facie* trustworthy nine or ten officers were thus called on, but on their denial of the knowledge imputed to them they were sent back to resume their duties without injury and without censure from Government. These cases must have been perfectly well known in all official circles, and would prove to everyone that silence was safe where it was honest.

7. A fair and reasonable estimate of the instances relied on by the Commissioners makes it then impossible to concur in their conclusion that there "were special temptations to give, and get others to give, evidence which should secure a conviction." The only temptation, the only encouragement, was not to conceal the truth. It is impossible to say that immunity from punishment was not necessary to this end. Safeguarded as they were by the pledges given to them, the native witnesses still gave their evidence in fear and trembling. The Commissioners suggest that Bhimbhái, the first accuser of Mr. Crawford, was actuated by ill-feeling towards him, but to conclude thence that he would or could suborn false testimony is a mere conjecture, and, looking

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* *e.g.*, the following:—

Dashputre.	Hiráji Framji.	Mulekar.
Dáni.	Limaye (Treasurer).	Phulmandikar.
Bhat.	Bhimáji Gururáo.	Lele.

to the high character Bhimbhái has always borne, an unjust one. As to Pendse, Yádavráo, Deshmukh, and Patwardhan, all named in this connection by the Commissioners, it does not appear, although Pendse put in an incorrect list which he had not examined with due care, that these men had any interest in inducing witnesses to lie or any authority by which they could constrain them to falsehood. The prior examinations of the witnesses were taken by Mr. Ommanney, the Inspector-General of Police, or under his direction by Messrs. Kennedy and Lucas, whose "good faith and impartiality are above suspicion." If so, no iniquitous suggestion can have had an abiding effect on the sincerity of the witnesses.

8 That the witnesses were in many cases accomplices of Mr. Crawford in his alleged offences must necessarily detract considerably from the value of their testimony. Yet even here there are important distinctions to be made. The considerations applicable to the evidence of accomplices in criminal trials are but very partially applicable to some of the most important witnesses in this case, and the analogy drawn by the Commissioners so far fails. Even in criminal trials the Indian Evidence Act, section 133, which represents the most advanced juristic thought on the subject, provides that a conviction may proceed on the uncorroborated testimony of an accomplice. It is a question in every case for the exercise of judgment and discretion. Macaulay and his colleagues in framing the Indian Penal Code took occasion in one of their notes (E) to point out that in India the criminality of one who under pressure bribed an official was but nominal. Looking to the habits of thought and traditions of the people, a payment of money under such circumstances to procure an office or a transfer no more implies a general moral insensibility than in England the purchase of a church living or a commission or an exchange between officers in the army. Neither, therefore, does it materially detract from the credibility of a witness.

9. What has next to be observed is that if the testimony of the witnesses of the class just referred to is believed—the evidence of "victims of extortion rather than willing parties to corruption"—then a general sense of oppression and helplessness must have been so diffused amongst the official community that those who without direct "compulsion or pressure.....assisted in corrupt bargains or paid or helped to pay money in pursuance of them" can hardly be deemed men who acted of their own free will. The traveller who hands his purse to a brigand is no more free in reality than he from whom it is wrested by force. The remarkable quickness of natives of India in appreciating slight tendencies and indications of personal character has often been noted, and once it was generally felt that loans were desired by a Commissioner with patronage to dispose of, it was certain to be felt also that not much promotion would be had without expense. Those who submitted to it with less open reluctance are hardly distinguishable morally from those who were put under direct pressure. The conviction was gradually brought home to Government that this state of feeling was spread throughout the central division of this Presidency. It was accepted with reluctance, and the timidity of informants led to a vagueness of statement which for long prevented any decisive action. Corruption is in its nature a secret offence. Detection is almost impossible without a disclosure by one or other of the parties. It became necessary for Government when it had definitely resolved on the necessity of bringing a great official to trial for great offences to make some sacrifices of slighter feelings of reprobation in order to secure evidence on the greater and graver issues which demanded definite answers. It offered in several instances an indemnity to subordinate officers who were reasonably supposed to have paid money in order to avert injury against the mischiefs they might otherwise sustain through their disclosures. The condition of the indemnity was a full revelation of all that the witness in each instance knew. It is only necessary to refer to what has taken place during and after the proceedings on the inquiry to show that such a guarantee was indispensable. The witnesses did in fact expose themselves to criminal proceedings, which were actually initiated against some of them and are at this moment pending. The statements made under such circumstances are no doubt subject to a certain deduction. The deduction, however, differs widely from that to be made in the case of a man, who acknowledging himself guilty of a revolting crime, endeavours to escape by giving evidence against his fellows. The purchase of offices does not offend the moral sensibility seriously except when it has become highly developed. The evil of the sale of judicial and confidential offices was early recognized in England, and the practice was prohibited by the Statute 5 & 6 Edward VI., cap..16, but that is a statute of local application not extending to India. In France, on the other hand, the purchase and sale of judicial offices, as is well known, was long practised, was thoroughly systematized

under Louis XIV., and was defended by Montesquieu. However injurious then the payment of money for an office, and especially for a judicial office, may be, it cannot be deemed so offensive to the rudimentary sentiments of morality as necessarily to imply an indifference to truth and honesty. Even in England the Masters in Chancery who had purchased their offices from Lord Macclesfield were indemnified against injury in return for giving evidence against the greater offender, and their testimony was not thought essentially less credible than that of other witnesses. The system at work, as they described it, put a pressure on them which made their payments virtually compulsory. Their cases were thus exactly analogous to those of the Mámlatdárs in the present inquiry, and the evidence of the Mámlatdárs was both worth securing and valuable when secured.*

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* Extract from Appendix E. to the original Indian Penal Code.

"The person who complies with a demand, however signified, on the part of a public servant, cannot be considered as guilty of instigating that public servant to receive a bribe. We do not propose that such a person shall be liable to any punishment, and as this omission may possibly appear censurable to many persons, we are desirous to explain our reasons.

"In all states of society the receiving of a bribe is a bad action, and may properly be made punishable But whether the giving of a bribe ought or ought not to be punished, is a question which does not admit of a short and general answer. There are countries in which the giver of a bribe ought to be more severely punished than the receiver. There are countries, on the other hand, in which the giving of a bribe may be what it is not desirable to visit with any punishment. In a country situated like England, the giver of a bribe is generally far more deserving of punishment than the receiver. The giver is generally the tempter, the receiver is the tempted. The giver is generally rich, powerful, well-educated ; the receiver, needy and ignorant. The giver is under no apprehension of suffering any injury if he refuses to give. It is not by fear, but by ambition, that he is generally induced to part with his money. Such a person is a proper subject of punishment. But there are countries where the case is widely different, where men give bribes to magistrates from exactly the same feeling which leads them to give their purses to robbers or to pay a ransom to pirates; where men give bribes because no man can without a bribe obtain common justice. In such countries we think that the giving of bribes is not a proper subject of punishment. It would be as absurd in such a state of society to reproach the giver of a bribe with corrupting the virtue of public servants, as it would be to say that the traveller who delivers his money when a pistol is held to his breast corrupts the virtue of the highwayman.

"We would by no means be understood to say that India under the British Government is in a state answering to this last description. Still we fear it is undeniable that corruption does prevail to a great extent among the lower classes of public functionaries, that the power which those functionaries possess renders them formidable to the body of the people, that in the great majority of cases the receiver of the bribe is really the tempter, and that the giver of the bribe is really acting in self-defence.

"Under these circumstances, we are strongly of opinion that it would be unjust and cruel to punish the giving of a bribe in any case in which it could not be proved that the giver had really by his instigations corrupted the virtue of a public servant, who, unless temptation had been put in his way, would have acted uprightly."

Extract from the Second Report on the Penal Code, paragraphs 86–88.

"It remains for us to consider the reasons assigned by the Commissioners for not making bribery punishable in the giver of the bribe, when he gives it in compliance with a demand, however signified, on the part of a public servant. The person who, without any demand, express or implied, volunteers an offer of a bribe to a public servant and induces him to accept it, being punishable under the general rule contained in Clause 88 as an instigator, the reasons are that '*corruption does prevail to a great extent among the lower 'class of public functionaries* (in India), *that the power which those functionaries possess renders them 'formidable to the body of the people, that in the great majority of cases the receiver of the bribe is really 'the tempter, and that the giver of the bribe is really acting in self-defence.*' '*Under these circumstances,*' say the Commissioners, '*we are strongly of opinion that it would be unjust and cruel to punish the giving 'of a bribe in any case in which it could not be proved that the giver had really by his instigations corrupted 'the virtue of a public servant, who, unless temptation had been put in his way, would have acted uprightly.*' Sir J. Awdry, as appears above, thinks that the reasons assigned by the Commissioners '*are most satisfactory.*' Mr. Norton, on the contrary, says: '*I cannot concur in the reasoning of note E, by which the criminality of 'giving bribes is omitted from the code. It assumes that the administration of justice and of public functions 'is so corrupt that a man cannot attain his fair right but by bribery. If this be true, I do not think the 'end sanctifies the means, and I consider it a very inexpedient principle to avow and act upon.*'"

"Mr. G. W. Bacon says: '*With reference to the note on the impunity of briber* (*pages* 126 *and* 127), '*I must submit my opinion that the Commissioners altogether mistake the state of the case. There is very 'rarely, if ever, occasion for extortion on the part of the receiver, or for self-defence on the part of the 'giver. All act in strict conformity with the immemorial custom of the country, that no inferior shall 'approach a superior, more particularly a public functionary, without a present in his hand to obtain favour 'generally, without any particular object. No police darogah or munsif and very few of the higher natives 'possessing power, ever pay for anything, and are fed and clothed by the people. If an individual require 'a particular boon, such as a decree in his favour, he has only to outbid his antagonist, and this is not at 'the request of the officer, but as a matter of course. How could he expect favour, when the other party 'paid higher? Nothing is more common than for an appellant to state in his petition that the sadar amin 'or munsif decided against him, notwithstanding the payment of such and such a sum, or that the decree 'against him was given in consequence of a higher bribe administered by the opposite party. Now the 'appellant does not mean to state that there is anything extraordinary in this, or that the native judge 'has acted wrong or irregularly in taking his money, or that of the other party, but merely that it is hard 'he should have got nothing for his present, the giving which was a matter of custom, and an unquestionable*

10. If their testimony is true, then whatever the degree of their own moral turpitude may be, the charges of corruption against Mr. Crawford must in some cases be held proved. If their testimony is not true, then the objection on the ground of their having taken part in corrupt transactions fails. What they have been guilty of is not bribing, but perjury—an offence of which in the absence of any moral stigma there would be no prior ground for supposing them capable. How far they have satisfied the conditions of their indemnity may admit of question in individual cases, but there appears to be no reason for supposing their testimony to be generally valueless.* To set it aside, with the Commissioners, as of no weight against the declaration of a deeply interested party appears quite unreasonable. In giving to Mr. Crawford the privileges of an accused in a criminal court, the Commissioners, in order to be consistent, ought to have refused to his denials the weight due only to the testimony ef a disinterested witness.

11. In the case of the "regular agents in carrying out a system of corruption or extortion or both" the moral estimate formed of them by the Commissioners may be accepted without reserve. They deserve no credit except where their statements are confirmed by other evidence. Where their explanations of facts and of their own conduct and motives are corroborated they deserve the consideration arising from the principle that falsehood generally betrays the liar, while truth is easy and self-consistent. It seems very probable that in some instances a desire to minimize his own direct and personal share in the corrupt transactions in which he owns he took part has in the case of the witness Kázi Abbàs, not only caused him to speak untruly himself, but to induce other witnesses to invent circumstances tending, as he thought, to his exculpation. Such instances, in such an inquiry, are almost inevitable. They tend to obscure the truth, but they must not be allowed through the moral indignation they provoke to distract the mind from a just appreciation of the evidence free from similar objections.

12. In their reasoning on the evidence laid before them the Commissioners appear to have applied a standard of proof not altogether well adapted to an inquiry of this description. Dealing with a large number of individual accusations each on its own merits they have overlooked the proper and logical result of cumulative instances tending independently towards the same conclusion. The method developed in England by which the instances and the issues submitted to a jury are confined within the narrowest limits is no doubt well suited to the system of which it forms a part. Yet we know that it has not commended itself to the jurists and legislators of foreign countries. They permit inferences as to character and probabilities of conduct to be drawn from a much wider range of facts than the English procedure allows to be looked at. Apart from the special conditions of time, intelligence, and historical descent of legal doctrine under which an English jury works, its method is not that which reason suggests as the best means for attaining truth. Its exclusion of collateral inquiries and of the results which these tend is the reverse of the mode of investigation pursued in the physical sciences, in which absolute conviction is generally arrived at through an induction drawn from many indications, each

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'*and well-known fact. It is to be remarked that this is never given as a cause of dissatisfaction in 'appealing from the decree of an English judge, because it is neither the native custom to bribe those 'officers, nor theirs to receive. In the eyes of the natives there is no crime either in giving or receiving 'bribes, and if we are desirous of impressing them with a different notion, we must punish both giver and 'receiver, for both are only acting in compliance with the customs of their ancestors, and one is not more 'guilty than the other.*'"

"It appears to us that Mr. Bacon's observations go to confirm the accuracy of the reasoning of the Commissioners. If, as he says, '*When an individual requires a particular boon, such as a decree in his 'favour, he has only to outbid his antagonist, and this not at the request of the officer, but as a matter of 'course,*' what is this but to say that '*men give bribes because no man can without a bribe obtain common 'justice.*'? In such a state of things the Commissioners '*think that the giving of bribes is not a proper 'subject of punishment.*' By punishing the receiver, they endeavour to strike at the root of the evil. If they rested here, we should not think they had done enough, for in India, as in England, there are situations in which '*the giver is generally the tempter, the receiver is the tempted.*' We may instance cases in which a Munsif or a Darogah for example is stationed in the heart of a large Zamindári, the Zamindár of which is rich and powerful and whose ambition is to make his will predominant within its bounds. It is an object to him with this view to gain over the Munsif and the Darogah, or the civil judge, and the officer of Police, and he will be ready to tempt them with bribes to serve his purpose, making occasion by bringing a suit against one man before the Munsif, and against another, laying a criminal charge before the Darogah. The Commissioners intend the general provision in clause 88, regarding abetment by instigation, to meet such cases. By clause 138 a public servant receiving a bribe is liable to imprisonment for three years. So also under clause 88 is the person instigating him to receive the bribe. We are inclined to think with the Commissioners that this provision will answer the purpose sufficiently."

* See closing speech of the Advocate General, p. 57.

perhaps insufficient in itself to produce certainty, but in their concurrent effect irresistible. This case presents an array of witnesses deposing severally or in small groups to different instances of direct extortion as well as to acts of apparent encouragement of corruption on Mr. Crawford's part or of almost ostentatious connivance at it. To treat each of such cases like a criminal charge tried by itself, and, because each taken by itself is insufficient to produce absolute conviction, to conclude that conviction cannot fairly be derived from the aggregate, is to extend a defective method until it becomes a source of fallacy and illusion. As well from the logical standpoint might it be said that as the evidence of each of several witnesses in a particular trial would be insufficient to prove the guilt of an accused when opposed to the general presumption of innocence, so the aggregate testimony must be equally ineffectual. In all our ordinary judgments on character and conduct we found ourselves on induction from instances, and to follow an opposite course in such an inquiry as the present is really to fall into a most familiar fallacy. A grain of corn will not sustain a man for a day, nor a second nor a third, neither therefore will a bushel of corn sustain him. Even in the English criminal courts evidence of collateral cases is admitted, as when an accused is charged with highway robbery or receipt of stolen property, where it affords a fair inference concerning a question at issue, and here the general presumption of innocence and purity of character by which the testimony to any instance of misconduct is met must be diminished and almost effaced by evidence of other acts incompatible or hard to reconcile with innocence.

13. The mere fact that they were commissioned to deal with upwards of thirty different accusations ought to have suggested to the Commissioners that they could not properly govern themselves by the rules applicable to a jury. As a jury they could not have been called on to inquire into more than three instances, and those of the same offence and confined within a narrow limit of time. As a Commission they were at liberty and were bound to extend their inquiry over the whole field laid open to them and to gather light from every part of it for the discussion of each question that arose.

14. Thus, for instance, it comes out that many men from whom Mr. Crawford is accused of having directly or indirectly received bribes are indisputably proved to have taken up hundis* payable at Poona, to have drawn money from their deposits in the savings banks and in various ways to have furnished themselves with an unusual supply of available cash just at the times when according to the evidence similar sums were paid over by them to Mr. Crawford. As a merely accidental coincidence it would be most marvellous that whenever other indications in a dozen or twenty instances pointed to Mr. Crawford's having received money from particular persons in a furtive manner these persons should be found on close inquiry to have furnished themselves with the means of making such payments. The inference of casual connections which would be very weak were there but one or even two such instances, becomes almost irresistibly strong when the instances are multiplied as in the numerous cases placed before the Commissioners. To deal with such a series of coincidences individually and without regard to their cumulative force was to disregard the first principles of scientific induction.

15. It is the more strange that the Commissioners should have fallen into this defect of method, seeing that in considering the facts that tell on Mr. Crawford's side that they have shown themselves alive to the importance of cumulative instances. A series of orders alleged to have been corruptly procured but explicable by honest causes deserve, as the Commissioners say, "corresponding weight ..... in Mr. Crawford's favour." This is quite true as far as it goes. But it omits two considerations: first, that Mr. Crawford like every official was so tied down by official relations and the orders of Government that a palpable divergence was in many cases hardly possible; and, secondly, that money might as well be paid to avert an injury as to procure a wrongful advantage. In the promotions and exchanges of subordinate officers much must needs be left to the discretion of a Commissioner. He can seldom indeed be at a loss for reasons why he did not favour A rather than B. It seems, if the witnesses in this inquiry are to be believed, that the men who gave money as loans or otherwise almost without exception failed to perceive—if it was indeed the case—that they were thereby gaining an undue advantage. Their own estimate of their own claims was as usual too high, and in paying the fee exacted for justice they infringed a rule of only recent introduction into the scheme of even European ethics viewed as a working system.†

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* Native bills of exchange. † See Bigelow's History of Proceedure in England, pp. 123, 156, 188, 199.

16. The Commissioners pass very lightly over Mr. Crawford's attempt to escape in disguise. They admit indeed that the fact was one deserving "serious consideration." But then they say "that flight does not give rise to any legitimate inference that "Mr. Crawford knew himself to be guilty of corruption. At the time he went away "he had no reason to know that any criminal charge against him had been brought "..... while as to any charge short of one before a criminal court he could gain "nothing by flight and might lose much." Mr. Crawford knew he had been suspended for official malversation. What precise charges might be brought against him he could not at that moment judge from any external indications. It was only his conscience—his consciousness of serious wrong-doing—that on any ordinary principles could have impelled him to flight—not the knowledge of criminal proceedings actually instituted, but a well-grounded apprehension that they would be instituted, arising from his knowledge of his own conduct. Such seems the legitimate application to his case of the principle put forward by the Commissioners. It is not generally thought to detract from the evidentiary weight of a murderer's or burglar's flight that at the moment he has not been brought before a court of justice or even arrested. In Mr. Crawford's case every motive must have combined to forbid flight which could operate on an honourable gentleman. His creditors could not have seriously molested him in any way that he could escape by flight. The humiliation of suspension from office should have been an incentive to stay and triumph through innocence rather than virtually confess guilt by absconding from justice. The mere act of attempting to escape from the country under a false name and in disguise was under the circumstances in itself a degrading act which should for ever disqualify Mr. Crawford for employment in a high position calling for self-respect, a nice sense of honour, personal influence and public confidence. In its bearing on the charges brought against Mr. Crawford and the testimony by which they are supported and repelled, his flight is chiefly important in weakening to an extreme degree that general presumption of a high-minded and scrupulous sensitiveness in matters of personal honour which may generally be attributed to the English gentleman. It is in a sensible degree less unlikely in the case of one who has run away from disgraceful imputations than in the case of one who has calmly confronted them that he should have been capable of baseness.

17. Closely connected with the considerations just dwelt on are those arising out of Mr. Crawford's long continued and irretrievable pecuniary embarrassments and his utter recklessness in money matters as acknowledged by him as a witness on the trials of Hanmantráo. The Commissioners say that "a man so embrassed as he was, is under a greater temptation to corruption than other men." Mr. Crawford himself must have been aware of this. He must have known what imputations are in this country commonly thrown out against officials who are notoriously overwhelmed with debt. The removal a generation ago of two judges of the Bombay Sadar Court on this account must have been familar to him. It behoved him then, who was remitting to Bombay large sums quite disproportionate to the salary of which he could dispose, to keep clear and accurate accounts. Any official in India whose remittances exceed his income ought to be prepared to show whence the money has been derived. Mr. Crawford entirely failed to satisfy this obligation. "The suggestion" the Commissioners say, "was that the difference was obtained corruptly; but he had another source of supply in extensive borrowing." That is so no doubt; but after a certain point is reached, borrowing will barely cover payment of loans* and the insolvent official who perpetually makes large remittances is not unjustly suspected of corruption if he cannot or will not tell whence they come and declares he has kept no accounts. Such a state of things is not by itself proof of corruption, but it is the environment in which corruption naturally grows. It produces almost inevitably a readiness to resort to sordid devices, a blunting of sensibility, which sap the foundations of honour, and so far weaken the general presumption against the possibility of meanness and malversation.

18. That Mr. Crawford's sense of duty had become enfeebled through the influence of an irregular life and demoralizing interests is unhappily manifest on the records of Government. His fine presence, his charm of manner, his energy, force of character, and capacity for affairs had at one time made him certainly one of the most distinguished members of Her Majesty's Civil Service. He has left in many places

* The alleged borrowings from the firm of Vrijbhukanlál Shankarlál are of a particularly suspicious character. See the closing speech of the Advocate General, pp. 63–65 (pp. 197–8 of this paper).

the impress of his ability and influence. Yet of late years it has become the duty of Government on several occasions to reprove or admonish him for the imperfect discharge of his duties. It has been notorious that oscillating about Poona as a centre his movements have been far less extensive and frequent than they should have been. A sense of his reputation and former services mitigated the censures Government were forced to pronounce, and gained him an indulgence in inertness which would have been denied to another. The most lenient view was taken of his behaviour, but now, when his assertions have to be set in the balance against the concurrent testimony of many witnesses, it would be wrong and unjust not to bear in mind the general laxity of principle and want of noble shame which his later conduct in the official sphere has exhibited.

19. One instance of Mr. Crawford's disregard of official obligations and of the orders of Government was so clearly brought out in the evidence that it calls for particular remark. It is a well-known rule that members of the public service generally, but especially Covenanted Civilians, are prohibited from engaging in trade. Mr. Crawford had to superintend a host of subordinates to whom this rule by statute or order applied. He was bound to set an example of scrupulous obedience to lawful commands and delicate abstinence from irregular gains. These principals of conduct he appears to have entirely laid aside when he engaged in horse-dealing at the end of 1887.

Proceedings, Vol. 1, page 284, top.
Ex. 227, page 197, Vol. III.
Proceedings, page 284.

20. Mr. Crawford's account of this transaction is that he had some arrangement with one of the partners in Messrs. Watson's firm, that when he went to Calcutta in December 1887 he should purchase Australian horses for which Watson should advance the money, the profit and loss being Mr. Crawford's. The profit was to be received by Messrs. Watson and be credited towards reduction of Mr. Crawford's debt to the firm. The accounts show advances of Rs. 1,059–2 and Rs. 9,388–12, or Rs. 10,447–14 on January 9th, 1888. Mr. Crawford says he bought 13 horses. Exhibit 283 (page 219) shows that on the 31st December 1887 he telegraphed that he had bought 16 horses, all of which he consigned to Messrs. Watson. Mr. Crawford states that four or six horses were unsold at the time of his suspension. He gives the following payments as having been made to him on account of the horses sold:—

	Rs.	
24–1–88	1,500	
15–2–88	1,700	
15–2–88	2,500	pair to Sir J. Jijibhoy.
16–2–88	1,700	
16–2–88	1,000	Khimji Jiva—mare.
Total	8,400	

Assuming the rates to be correct, this would account for nine horses. Though Mr. Crawford represents the matter as a private arrangement between himself and one of the members of the firm, as an individual, the cost is debited and the receipts are credited in Mr. Crawford's ordinary account with the firm, and the whole of the advance made by the firm for the purchase of the horses is brought on to the account of Mr. Crawford like any other loan or payment on his behalf. On the other hand, the horses were consigned to the firm, and no charge for keep is debited to Mr. Crawford. Again, the cheques were all, with one exception (that of Khimji Jiva), paid in by Mr Crawford himself.

All this indicates that the transaction was managed by and for the benefit of Mr. Crawford, on an advance from the firm. It is difficult to see why the firm should have kept and fed the horses from the 9th January, when it appears they arrived in Bombay, till the 24th, when one was sold, and the 15th and 16th February, when a clearance seems to have been made—leaving about four, for which apparently Mr Carroll must have gone up to Poona, six months later. The firm was to have none of the profits, but to retain the animals as part security for the advance.

21. None of these horses were sold after the 16th February; about seven were disposed of on that and the preceding day. Mr. Crawford mentioned as purchasers only Sir J. Jijibhoy, who resides in both Poona and Bombay, and Khimji Jiva, who lives in Bombay. The sale to Sir J. Jijibhoy was undoubtedly conducted by Mr. Crawford, and the cheque drawn in his name. That to Khimji Jiva may or may not have

been through Mr. Crawford direct, but the money paid by him was credited to Mr. Crawford. At this time Khimji was in treaty for the Bhadgaon Farm. On the 23rd and 24th January 1888 he had bid Rs. 35,500 and on the 28th idem the offer was accepted by Government. It appears from paragraph 7 of the Exhibit MX that Mr. Crawford saw Khimji in Bombay on 22nd February, and he was requested by Mr. Ozanne on the 25th January to support Khimji's bid. Thus on the 16th February Mr. Crawford must have known that Khimji was interested in a matter which, from Mr. Crawford's letter to the collector of Khandesh, (written some time before the 7th of March), was clearly before Mr. Crawford officially, and in which Mr. Crawford had undertaken personal negotiations. It is not proved that Mr. Crawford knew at the time of the purchase of the mare, but he seems to have been acquainted with the details of the other sales and with the fact that it was a mare and not a horse which Khimji bought. The transaction was, like all in connection with these horses, a purely commercial one, as Mr. Crawford had borrowed money, made a speculative bargain, and reaped the profits thereof. By such a course he seems to have transgressed his covenant, the transactions being one with a native in official treaty with him and the other with a native of rank resident within his division and a president of a municipality therein. It is not certain whether the other transactions were or were not with natives, but the purchasers all sent their money to Mr. Crawford.

See Ex. M Vol. II, pa 300.
Ex. 407, l para., Vol. III, page 288.
See para. of Ex. 409 page 289, Vol. III.
* Ex. A, page 1.

22. It would be wrong to attach very great importance to the transactions just described. They did not necessarily imply dishonesty or corruption. Their seriousness consists in the evidence they afford that Mr. Crawford was ready on occasion to engage in dealings that were inconsistent with a nice appreciation of the position he occupied and with the commands of Government. The low moral sensibility thus evinced cannot be lost sight of in weighing his authority and his declarations against the positive evidence by which the charges against him are supported.

23. The Commissioners observe on what they call the "unfortunate mode of launching the case" against Mr. Crawford by a suggestion that Hanmantráo was his "general agent for the purpose of obtaining bribes." "The general case so put rests," they say, "upon the allegation that Mr. Crawford in fact authorised Hanmantráo as "his agent to obtain bribes for him whenever he could get them: no narrower pro- "proposition would support the case. We find it difficult to suppose that such an "allegation could be established by any proof which did not include the proof of "specific instances of bribes paid to Hanmantráo and of Mr. Crawford's complicity. "But the proof of the specific instances would render any inquiry into the wider case "unnecessary." This way of regarding the matter has governed, and as it seems in some degree distorted, the inquiry. We know that for purposes of definition and of pleading, especially in the sphere of criminal law, terms have to be used in a precise and uniform sense and the consideration of facts is in a measure excluded except in so so far as the facts square with the terms. But we know also that in actual life negligence shades off into connivance and connivance into active complicity by insensible degrees. We know too that dulness of moral sensibility deepens by inappreciable gradations into indifference to crime. The evidence in this case, even if we set aside that part of it which goes to directly implicate Mr. Crawford in the reception of bribes, proves, if any credit can be given to the witnesses, that Hanmantráo was continually employed in procuring money for Mr. Crawford† on terms and by devices which were never scrutinised. He being about Mr. Crawford's house‡ had access to it at will.§ He was employed, contrary to well known orders of Goverment, in official business.‖ He was according to the evidence¶ of Chaubal allowed to be present at the discussion of a Mámlatdár's grievances and claims. Money was demanded by him.** Money paid to him was followed by favours†† which even if they could individually be otherwise accounted for may naturally be attributed to this cause as an efficient one and apparently producing uniform results.‡‡ If money was paid for getting justice, that was no less corruption than if injustice had been pur-

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* Clause 9.—"Not to engage directly or indirectly in trade dealings or transactions contrary to law or to any lawful order or regulation relating generally to the service in which he may be engaged, or specially to him."

† Proc.. p. 286; Ex. B, pp. 5, 6, 7, 8.

‡ Proc., p. 186, Pradhán.

§ Proc., p. 95, Vinze; p. 152, Deshpánde; p. 177, Dravid; pp. 111, 113, 115, 117, Bhor.; p. 172, Soman; pp. 251 and 252, Bápat.

‖ Proc., pp. 156, 157; Ex. B, pp. 5–8.

¶ Proc., p. 134, Chaubal; pp. 24, 89, Yádavráo; pp. 58, 61, 90, Pitámbar; p. 159, Chitámbarráo.

** Proc., p. 194, Khásnavis.

†† Proc., p. 65, Dabir; p. 123, Thákir; p. 135, Chaubal.

‡‡ Proc., p. 4, Sindekar; p. 45, Dabir.

chased. If the circumstances were such that Mr. Crawford ought to have known, and must have known, that Hanmantráo would in all probability abuse the position he occupied by turning it into a source of illicit gain by means either of extortion or bribery for the use of an influence to which Mr. Crawford must in a measure submit, then the retention of this agent about his person, without other employment, unpaid, intimate, in the most confidential relations with an employer of notoriously loose habits and desparate pecuniary circumstances amounted to connivance at least at the malpractices which were morally certain to ensue. Let it be granted for the moment that Mr. Crawford's having distinctly authorised Hanmantráo to act as his agent in taking bribes may admit of doubt. That he must have been conscious that money would probably be taken there can be no reasonable question, and in countenancing a system that might take the shape of either extortion by his creature or of voluntary bribery of him he was guilty a great dereliction of duty—one which if not absolutely criminal must at least be held to disqualify him for the high and responsible office of Commissioner and even for a place in the Covenanted Civil Service.

24. The report of the Commission (p. 8)* says:—"All who know anything of this "country can understand that Hanmantráo was thus placed in a very dangerous "position. One who is intimate with, and is supposed to have the ear of, any dis-"penser of patronage is naturally an object of attention on the part of candidates "for appointments. If such a person be corruptly inclined, he has always a chance "of making his position a means of obtaining money, and the danger was especially "great in the case of a man who, like Hanmantráo, was Mr. Crawford's agent for "raising money. We think it clear that what might have been feared happened in "the present case. We think it is shown that that mixture of corruption with some "degree of extortion, which in this country springs up so readily and spreads so "rapidly, if the circumstances be favourable, was prevalent round Mr. Crawford. Nor "do we see any reason to doubt that Hanmantráo took an active part in it." And again:—"So far as Hanmantráo is concerned the responsibility of placing him in a "position in which he could improperly obtain money rests upon Mr. Crawford." Hanmantráo was not only placed in this position, but Mr. Crawford himself directly tempted him to abuse it. The Commissioners say (p. 15)†: "The bearing of the "evidence as to Mr. Crawford's pecuniary position upon the charges of corruption "appears to us to be this. A man so embarrassed as he was is under a greater "temptation to corruption than other men. On the other hand, we cannot but think "that, in the mind of any man of Mr. Crawford's antecedents and holding the position "he held, there must be a wide gulf between the most reckless borrowing and actual corruption." The gulf is no doubt wide, but it is often narrower in reality than in language. Let it be granted that Hanmantráo was not in the strictest sense an agent employed by Mr. Crawford with a definite commission to procure bribes for him, yet if in fact he took money as the price of official favours, by which money both he and Mr. Crawford benefited, Mr. Crawford with the knowledge that he had and the conduct he pursued, must be held responsible.

25. That Hanmantráo had in fact a perfectly understood, if not distinctly expressed, commission from Mr. Crawford to get money for him by way of loans from aspirants to official favour is certain, unless the great mass of the evidence recorded in support of the charges is false. Such cases as Thakár's (Proc., p. 123) and Khásnavis' (Proc., p. 194) are but examples of what is to be gathered with almost equal explicitness from the statements of almost all the witnesses,‡ that Mr. Crawford habitually indicated or recognised Hanmantráo as his confidential agent in these irregular transactions. Viewing each of the cases separately in which these statements were made it may possibly be said that the charge is not proved beyond reasonable doubt: but supposing the issue had been simply that of whether Hanmantráo was Mr. Crawford's recognised agent or not, what answer but an affirmative one would be possible on the testimony of so many witnesses, independent of each other, all pointing the same way? That all should concur in thus pointing to Hanmantráo can be ascribed only to the general truth of their statements or to a general and causeless conspiracy.

26. Hanmantráo being a Deshasth Bráhman, and thus a member of the caste to which a majority of the chief native officials in the Deccan belong, had naturally a wider field for the exercise of his evil genius than Kási Abbás. The chief ostensible employment of the latter seems to have been the raising of loans in Bombay

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* See page 11 of this paper. † See page 18 of this paper.

‡ Proc., p. 64, 67, Dabir; p. 69, Sátbhái; p. 251, Bápat; p. 173, Soman; p. 192, Khásnavis; p. 21, Yádavráo.

to meet Mr. Crawford's pressing necessities.* Yet the conneection between them was sufficiently conspicuous and of a sufficiently questionable character to give Kási Abbás abundant opportunities for obtaining money improperly as a payment for real or supposed services with Mr. Crawford. The case of Raghunáth Ganesh Támbe, if the evidence in support of it can be credited, prevents Mr. Crawford as acting in pronounced complicity with Kási Abbás, who was in that instance distinctly employed as his agent for taking a bribe from the candidate for an office. That case will need a particular examination, but the least that can be said of it is that it shows that Kási Abbás was put into a position by Mr. Crawford which he could use, and did use, for purposes of corruption and extortion of a bare-faced and revolting description. If it was a case of distinct agency, then the agency may properly be extended to the other cases such as that of Lakshman Chintáman Phadke in which Mr. Crawford himself took a less prominent part. The case of Dáji and Govind Pátils, if those persons are to be fully credited, is one which establishes Kázi Abbás' position as an agent for bribery. It also proves gross and direct corruption on Mr. Crawford's part such as would make a reliance on agency in other instances really superfluous as a ground for his condemnation. The case presents some difficulties which must be discussed further on as regards any direct relations between Mr. Crawford and the Pátils. But so much is clear that by Abbás or through Abbás a considerable sum was obtained from these men. It is equally clear in Támbe's case; and in Phadke's case the chief or sole question on the evidence is between the direct corruption of Mr. Crawford by money handed to him before Phadke's eyes and indirect corruption through Kási Abbás as an agent. However these points are to be decided, the general effect of the evidence in this group of cases is to show that Mr. Crawford having put Kázi Abbás into a position which could and would be corruptly abused connived at the abuse of it.

27. In several of the cases inquired into the witnesses represent Mr. Crawford both as employing Hanmantráo as his agent and as himself taking an active part in the corrupt transactions which they describe. In some instances Mr. Crawford is described as acting without the intervention of any agent at all. It is in the last class of cases that assertion and denial are most directly and adsolutely confronted. If too Mr. Crawford is proved in any case to have accepted in person a corrupt consideration for an official favour it makes the proof of agency in other cases almost superfluous. Although therefore the order of discussion followed by the Commissioners has thus far been adhered to as the most convenient, it will now be desirable to consider in the first place some of the instances of payments said to have been made directly to Mr. Crawford. The consideration of the cases of alleged agency as involving an additional element of possible doubt and controversy can be better dealt with further on.

28. In the case of the alleged payment of Rs. 10,000 by the Pant Sachiv, the Chief of Bhor, to Mr. Crawford, the central fact is that of the interview of the 7th September 1887, at which it is said that the money was handed to Mr. Crawford by Vithalráo Náráyan, commonly called Bába Sáheb Nátu, and Dáda Phátak. That there was an interview in April 1887 between Mr. Crawford and the Pant Sachiv at Shirval is undoubted. Whether it took place as Mr. Crawford was going to Mahábaleshvar or on his return a few days later is not really of great importance. In either case he had the opportunity, which the Pant Sachiv says he used, of demanding Rs. 25,000. There seems to be no reasonable doubt that Mr. Crawford so far from showing the Pant Sachiv any favour had written to him and about him rather harshly. If the Pant Sachiv consented to pay money it would be rather through fear than gratitude. Nothing, however, whichever view is taken, was finally settled at Shirval.

29. At the end of July the Pant Sachiv visited Poona and he had an interview, which must have taken place in August, with Mr. Crawford. Mr. Crawford again demanded Rs. 25,000, using threats. The Pant Sachiv declared he could not lend more than Rs. 10,000, which apparently according to this witness Mr. Crawford agreed to accept as an instalment to be followed by another payment. After this the Pant Sachiv had a interview with Hanmantráo and Yádavráo Sáthe and eventually he drew Rs. 10,000 from his bankers at Poona on the 6th September 1887. The money was all turned into notes. This is established by the evidence of the clerk Keshav Vishnu Deshpánde and of the banker Sáthe. Sadáshiv Gulábráo assisted in counting the notes and they were handed to the Pant Sachiv, who put them aside until the next day.

On the morning of the 7th September 1887 the Pant Sachiv says he gave the notes for Rs. 10,000 to Dáda Sáheb Nátu to take to Mr. Crawford. He told Phátak to

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* Proc., pp. 290, 292.

accompany him. They went to Mr. Crawford's house where Bába Sáheb Nátu handed the notes to Mr. Crawford as from the Pant Sachiv. The Pant Sachiv says Mr. Crawford afterwards admitted to him that he had received them.

On the other hand the orders and the account books of the Pant Sachiv point to the Rs. 10,000 drawn by him at Poona having been sent to Bhor and there paid into the Pant Sachiv's Treasury. The Pant Sachiv left Poona on the 17th September 1887 and on the 19th September 1887 the cash-book at Bhor presents an entry of Rs. 10,000 received "in cash by the hands of——." The Potnis who kept the book says the money was received from the Pant Sachiv himself and the Pant Sachiv repeats this; but he says he drew the sum out of his private treasury. Whether he had such a private treasury the Commissioners seem to think doubtful, but the Pant Sachiv was not cross-examined on the point. Having money locked up at Bhor it may seem strange that he did not send there for the Rs. 10,000 that he wanted; but he kept the key of the private treasury himself and he may have been unwilling to trust it to any one else. There seems to have been no such lack of funds at Bhor that the Pant Sachiv should have felt compelled to draw Rs. 10,000 at Poona in order to replenish his treasury. For local use he would certainly not have converted silver into notes, especially into notes of large denominations. His own account is that the entries giving the semblance of such a transaction were a mere blind to conceal the bribe to Mr. Crawford; and seeing there was no other apparent reason for his drawing Rs. 10,000 at Poona this appears the most probable explanation of the facts. He would have cloaked the transaction most effectually by taking Rs. 10,000 out of his private treasury and keeping no account at all; but he could not anticipate the inquiry that eventually took place and the device actually adopted was sufficient for ordinary purposes.

30. The money having, according to Dáda Phátak and Dáda Sáheb Nátu, been paid on the 7th September the Commissioners find it inconsistent with this that the order III. should have been issued on the 7th. But though the order is dated 7th September 1887 to correspond with Mr. Crawford's manuscript draft of that date, the receipt of the Pant Sachiv on the order sent to him at Poona is dated 8th September 1887 and the post book of the Commissioner's office shows that the copy sent to the Political Agent, *i.e.*, the Collector of Sátára, was posted on the 8th September 1887. As then the order did not actuaily issue until the 8th September 1887 the difficulty raised by the Commissioners disappears. There was no impossibility or approach to impossibility in the relation of the alleged payment to the order. That Dáda Phátak who was Kárbhári to the Pant Sachiv should have been employed was less strange than that Mr. Crawford should have allowed Bába Sáheb Nátu to approach him. But the whole series of transactions implies an audacity and shamelessness with which the account given of this episode is quite in accord.

31. The nature of the order made by Mr. Crawford on the 7th September 1887 requires particular attention as it appears to have been curiously misconceived by the Commissioners. In 1879 the Pant Sachiv entered into an agreement by which he engaged that his forests should be demarcated and should afterwards be managed on the same principles as the forests in British territory. In 1885 a question arose as to the demarcation in Sudhágad, an important forest tract in Bhor. The Bombay Government, on the recommendation of the Political Agent, made some concessions to the Pant Sachiv as to the areas to be afforested. Details had still to be settled and delays occurred through objections raised by Mr. Crawford as Commissioner, but in February 1888 the Political Agent urged concession to the Pant Sachiv's views as to the exclusion from forest of certain lands on the ground that he had expressed his "willingness to adopt generally the proposals for conservancy suggested" to him. In May 1888 the Commissioner withdrew his objections and finally in July 1888 Government approved the proposed modifications in the scheme of demarcation.

32. Meanwhile the Pant Sachiv had on the 10th May 1887 sent a memorial (CZ) dated 30th April 1887 to the Commissioner asking permission to the introduction of a system of letting out the timber felling in his forest by contract and at once, instead of awaiting the completion of the demarcation and then adhering to the departmental felling which formed part of the British system of conservancy, There was considerable delay in dealing with this application, but on the 4th July 1887 the correspondence was sent to the Political Agent for his opinion in connexion with the correspondence on demarcation. The Political Agent very properly replied on 19th August 1887 that there were some points yet remaining unsettled as to demarcation on which explanations from the Pant Sachiv were still awaited. Then he adds: "It seems to me to be advisable

to consider the matter which the Pant has now written about after the demarcation work has been completed." This was exactly in the spirit of the agreement adopted in the Government Resolution of December 1885. The principle laid down was that when the demarcation had been completed the management was to be conducted on the British system. This implied a regular demarcation as a basis and adherence to a working plan having constant reference to the demarcation.

33. There was now a further delay, but not of any great duration. The Pant Sachiv on the 6th September 1887 presented to Mr. Crawford a reminder of his previous memorial of the 10th May 1887. This document is strangely dated the 1st August 1887. It is hardly conceivable that the Pant Sachiv having really written it on the 1st August 1887 should have kept the letter by him undelivered for five weeks without some particular reason. He may have been awaiting the result of his negotiation; but possibly the indication of the month may have been a mere mistake. However, in his order of the 7th September 1887 Mr. Crawford, in the face of the Political Agent's recommendation and of the principles laid down by Government, says: "I talked over the question you submitted with Mr. Grant, the late Political Agent, when I was recently at Sátára, and we agreed that the Sudhágad forest being your private property lying within your own territory.....there is no reason why you should obtain any permission to cut it from me or from any person. ..... As to whether you shall cut your wood departmentally or by contract that is a matter which entirely concerns yourself and no orders are needed from anyone on the subject." This was plainly a complete and sudden abandonment of the whole position which had been carefully maintained for eight years. The forests however demarcated or not demarcated might consistently with Mr. Crawford's new order be wasted and ruined. The order went far beyond what the Pant Sachiv had ventured ever to claim. Its contradiction of the opinion given by the Political Agent a few weeks before was defended by an alleged more recent conversation. Mr. Grant, the Political Agent, had just left Sátára. His successor could not deny the alleged oral communication, and thus the whole policy of several years could be upset without even a protest. Arrangements had been made under which the political charge of the Bhor State would be transferred to the Collector of Poona before Mr. Grant's return, and thus the strangeness of the order would probably quite escape observation.

34. Comparing then this extraordinary order made on the 7th September 1887 with the almost invariably harsh communications of Mr. Crawford with the Pant Sachiv at an earlier date, and with the advice asked from and officially forwarded by the Political Agent, it is impossible to avoid a suspicion that so strange a gyration may have had an irregular and sinister motive. So recently as the 27th June 1887 Mr. Crawford has written in harsh terms to the Pant Sachiv.* The alleged conversation with Mr. Grant is not remembered by that gentleman (*see* Proc., p. 296). Mr. Crawford's order dated 7th September 1887 on the application of 30th April 1887, of which the one dated 1st August 1887 was a mere reminder, was written without his having seen that application. This he himself declares (Proc., p. 287).

35. On the 16th August 1887 (Exhibit 204) Mr. Crawford proposed as a fit officer for carrying out the Khoti settlement of the Sudhágad Táluka, Yádavráo Sáthe, who had been employed according to the evidence in the recent negotiations, but who was without experience in the work for which he was nominated. After objection taken on this ground by the Political Agent (Mr. Keyser, Collector of Poona) Mr. Crawford withdrew the nomination in June 1888 (Ex. 209).

If we now read in this light the positive facts of the interview at Shirval in April, of the Pant Sachiv's long sojourn in Poona, of the application made in May for a permission opposed to former orders, of the second application apparently drawn up on the 1st August 1887 but long kept in hand and finally delivered just after Rs. 10,000 had been drawn by the Pant Sachiv from his bankers at Poona, it seems impossible to avoid the conclusion that the mass of direct evidence concerning the actual payment to Mr. Crawford, the conversion of the silver into notes, the handing of the notes to Mr. Crawford, and his acknowledgment to the Pant Sachiv is so corroborated as to leave little or no reasonable doubt that the payment actually took place. In fixing the date of his interview with the Pant Sachiv (on which the order of 7th September 1887 issued) for the 6th September 1887, Mr. Crawford stated that the arrangement was made with him by Dáda Phátak on the 5th September. This was clearly impossible as Dáda Phátak was then at Sátára and did not return until the evening of the 6th September 1887. A mistake as to the person was no doubt possible, yet, when there

* *See* Ex. 89. *See* also Ex. 196, dated 14th July 1887.

is an absolute conflict of personal testimony under such circumstances as in this case, the error supports in some degree the ascription of falsehood to the side on which it lies.

36. Assuming Mr. Crawford to have been innocent in this case, how are we to account for the testimony given against him by Phátak and Nátu? He had done them no injury; they had nothing to gain by his ruin; their characters are unimpeached on the evidence save as touched by this transaction. How above all are we to account for the Pant Sachiv's evidence? Setting aside the considerations arising from the Pant Sachiv's position as a chief of high family, from the disastrous consequences he must have anticipated if detected in falsehood, from the known and natural reluctance of native gentlemen to say anything injurious of high officials, the supposition of perjury and conspiracy in his case involves that of gross ingratitude. If Mr. Crawford is innocent, then is the Pant Sachiv under a deep obligation to him for the order of the 7th September 1887. Is it natural that he should requite his kindness with fiendish malevolence? Indifference and forgetfulness are not uncommon, but active malignity towards a recent benefactor is opposed to human nature and beneath it. Had any such motive actuated the Pant Sachiv he would have come forward voluntarily, but in fact he gave no evidence or no information until an investigation by a Secretary to Government disclosed facts which called for explanation. The accounts, on their face contradicting though in reality supporting the alleged loan of Rs. 10,000, could not have been fabricated by anticipation, nor if the whole story is false need the accounts have been introduced at all. The Pant Sachiv could as readily and as credibly have said he took Rs. 10,000 from his private store to hand to Mr. Crawford as to replenish his treasury. The very difficulties in the case against Mr. Crawford become when thus viewed means of corroboration. The undeniable facts certainly support rather than contradict the evidence of the Pant Sachiv.

37. The Commissioners dwell on the correspondence (Ex. 183—186) as showing that on the 19th September 1887 Mr. Crawford made an order "adverse to the Pant on a subject seriously affecting the Pant's pecuniary interests which he was obliged to rescind six months afterwards upon its being shown to him by the Political Agent that the order had been based on a mistaken impression and was therefore unjust to the Pant." The correct view of the subject is this. The Political Agent proposed a levy of one-fourth of the arrears due by the rayats from 1877. Mr. Crawford ruled that the whole of the arrears should be recovered "from the date on which the settlement was sanctioned by Government orders." This date he fixed in a subsequent letter (Ex. 185) as the 3rd September 1885. It is plain on a comparison of the two plans that the Political Agent's would have given to the Pant $2\frac{1}{4}$ years' full arrears (*i.e.*, $\frac{9}{4}$) while Mr. Crawford's would have given him 2 years' arrears in full. The difference as may be gathered from Ex. 183 would have been but $\frac{2\,8\,6}{4\,\cdot}=71\frac{1}{2}$ rupees. But in fact there had been no sanction by Government, nor was any needed. The order of 3rd September 1885 was one passed merely by the Political Agent on a protest by the rayats against the new rates. Eventually the Pant collected almost the whole of the arrears due from 1877 when the new rates had been introduced, and to this Mr. Crawford assented on the 14th April 1888 (*see* Ex. 188).

38. What really emerges on an analysis of this correspondence is that Mr. Crawford's order of the 19th September 1887 was made in ignorance of the real situation. There had been no sanction of Government, but as in similar cases within British territory the new arrangements would generally be brought into operation from the date of the sanction, Mr. Crawford simply followed a common formula to dispose of the reference and so gave an order which he had afterwards to abandon. The case is simply an instance of the loose and perfunctory way in which for some time Mr. Crawford had performed his duties. The Political Agent, Mr. Keyser, studied the subject, and his letter (Ex. 186) dated 4th February 1888 virtually disposed of the matter, which down to that time the Commissioner had not understood. No other order was then possible than the one (Ex. 188) by which he corrected his original blunder.

39. Another case to which the Commissioners attach some importance is that of the claim of the Pant Sachiv to a rent of Rs. 75 in respect of a Kuran or meadow held by the Dhaigude family under a grant from the Peshwa. The Political Agent complained (Ex. 190) that by an arrangement with one of the co-sharers the Pant Sachiv was preparing the means for escaping from the effect of a previous order in favour of the Dhaigude family. An accompanying letter from the Pant Sachiv stated that he was searching for evidence on which to ask for a review of the previous decision. On the 21st September 1887 a formal reference (Ex. 191) was made to the Political Agent

requesting him to expedite the proceedings of the Pant Sachiv and to limit him to a certain time. The Pant Sachiv thereon pointed out that the order made against him had been "carried out and nothing more could be asked for until he found fresh evidence, on the discovery of which he counted on a review." The Political Agent, in forwarding this representation on 21st October 1887, called on the Commissioner to "close the "correspondence after expressing his displeasure at the Chief's conduct in taking the "steps he did." Then on the 10th December 1887 the Commissioner told the Political Agent to inform the Pant Sachiv: I am exceedingly dissatisfied at the course he has thought proper to pursue in this matter in evident evasion of the advice of the late Political Agent, Mr. King." This answer was virtually made necessary by the letter of the Political Agent. An order in favour of the Pant Sachiv and against the Dhaigude family would have led to an appeal to Government and a probable censure of the Commissioner.

40. It is to be borne in mind that the original demand, according to the evidence, made by Mr. Crawford on the Pant Sachiv had been for Rs. 25,000, and that although Rs. 10,000 had been received more was still expected. If then the first effect of the instalment paid in September had passed away it is not really surprising to find the former tone which had proved so effectual in some measure resumed.

41. The correspondence on the subject of the appointment of a Kárbhári to the Pant Sachiv took place in 1886 when Mr. Crawford was still austerely disposed towards the Chief. It shows only that at the time of his appointment in October 1886 Dáda Phátak, one of the principal witnesses against Mr. Crawford in this case, bore a character to which Mr. Crawford could not raise any exception. Dáda Phátak would naturally feel obliged to Mr. Crawford for accepting his nomination notwithstanding his want of experience in revenue work, and no subsequent ground of resentment has been disclosed which should impel Dáda Phátak to incur the peril of giving false evidence against Mr. Crawford.

42. The proposed appointment of Yádavráo K. Sáthe as Khoti Settlement Officer for Sudhágad has already been referred to. In May 1887 the Political Agent suggested the employment of an officer of the rank of Mámlatdár. On the 29th June 1887 Mr. Crawford wrote in a very peremptory tone requiring the Pant Sachiv to make a settlement of a satisfactory kind within two months or else apply for a Mámlatdár. Then the Pant Sachiv named two officers, one of whom he wished to have entrusted with the settlement. Mr. Crawford did not ask either of them to accept the place. He thought they would refuse it. Instead of them he on the 16th August 1887 proposed his clerk Yádavráo K. Sáthe at Rs. 150 a month. The Pant Sachiv now objected to any special appointment (11th September 1887). There was subsequent correspondence between the Commissioner and the Political Agent. At last on the 9th June 1887 the latter (Exhibit 208) objected to Yádavráo K. Sáthe that he was entirely without experience in Khoti settlements, and that the Pant Sachiv ought to take the advice of the Political Agent in appointing a settlement officer. Thereon Mr. Crawford on the 11th June 1888 (Exhibit 209) assented, finding that Yádavráo K. Sáthe could not now be spared. This testimonial to Yádavráo's worth, given about a month before Mr. Crawford's suspension, is of some value as a certificate of character to a witness whom the Commissioners have wholly disbelieved.

43. In his order of 14th July 1887 on the case of Lakshman bin Keru Mr. Crawford wrote in a very severe tone for communication to the Pant Sachiv concerning a watan dispute. This was of course nearly two months before the 7th September 1887, when it is said that Rs. 10,000 were paid. Four or five other cases are dwelt on by the Commissioners. They are really of no significance. As in other cases Mr. Crawford merely confirmed the order of the Political Agent, as in effect he was forced to do.

44. These documents are of no particular significance either for supporting or for refuting the charge against Mr. Crawford. "In the whole of this series of orders," as the Commissioners say, "there is not one affording any ground for suspecting corruption." They are in fact equally consistent with corruption or with purity in the particular instance alleged against Mr. Crawford. Generally they could not have been other than they were. One or two gross blunders were rectified when the necessity for it was demonstrated. The case for and against the alleged bribe remains substantially what it was. It is supported by strong direct and circumstantial evidence against the declaration of Mr. Crawford. It is a case in which a criminal court would usually convict a prisoner, and there does not seem to be sufficient ground for a different conclusion.

45. The evidence in the case of Shankar Bhálchandra Bápat is recorded at pages 251-288 of the proceedings of the Commission. Bápat being employed as acting Native Assistant in the Commissioner's office was probably on the 31st May 1886 to become an extra Native Assistant for six months on the return of Pendse for whom he was acting. His salary would then fall from Rs. 375 to Rs. 200 a month. Bápat's substantive appointment was that of Mámletdár of the fourth grade. A vacancy was about to occur in the third grade and on the 26th May 1886 Bápat (Ex. KS) requested that the place might be given to him as substantive *pro-tem.* On the 27th May 1886 Mr. Crawford replied that he did not see his way at present to accede to Bápat's wishes.

A few days afterwards Bápat had a conversation with Hanmantráo, the nature of which can be divined from what followed. On the 4th June 1886 Bápat received from Mr. Crawford a note saying, "Please come out and see me at once in a gharry" (Ex. KT). Bápat went accordingly to Mr. Crawford's house. At the gate he met Mr. Crawford. Then, according to Bápat, "he got out of his carriage and asked me "if Hanmantráo had seen me. I said 'Yes'.....He said he was in need of money and "I should give him Rs. 1,000. I said 'Yes.'" Then next day "I took the notes (for "Rs. 1,000) to the bungalow at Kirkee.....I saw Mr. Crawford. He asked me if I "had brought the money and I said 'Yes.' I handed him over the packet of notes. He "said, 'Regard it as a loan and lock up your tongue.' He further said he had taken "me by the hand and would not leave me.....Two or three days after I had paid "the money I saw Mr. Crawford and asked him if Government was going to appoint me "Native Assistant. He said I was too junior. He said also he would try for me and "would some day get me the appointment."

46. In July 1886 Bápat was promoted from the fourth to the second grade of Mámlatdárs, but this promotion was defeated by the Accountant-General's declaration that the supposed vacancy had not really occurred. In January 1887 it appeared probable that B. G. Sáthe, the Commissioner's Native Assistant, was about to be employed on other duty and Bápat applied for his place. Mr. Crawford answered that he would get Bápat appointed when his special appointment terminated at the end of February.

About 15 or 20 days afterwards Bápat says he had another meeting with Mr. Crawford at his house. He says of it: "At this interview I asked if there was "any chance of my getting promotion in the rank of Mámlatdárs or Deputy "Collectors. He said there was a vacancy in the grade of Mámlatdárs, and there was "every chance of my getting a Deputy Collectorship. He then asked me for another "Rs. 1,000. I said I had not so much with me; I could only advance Rs. 500. He "said, 'All right, arrange for me then.' ..... I took the Rs. 500 with me "to Hanmantráo. ..... I told Hanmantráo to take the money to "Mr. Crawford. ..... By the *Gazette* of the 10th February 1887 I was "gazetted to the first grade. ..... The order appointing me (31st January 1887) "was after my conversation with Mr. Crawford." He paid the Rs. 500 to Hanmantráo a few days after the 10th February 1887.

47. Bápat had thus been pushed on between May 1886 and February 1887 from the fourth to the first grade of Mámlatdárs. There was no material immediate benefit to him in salary, but he had a better place to fall back upon when he should leave the Commissioner's office, and the path was smoothed for him to a Deputy Collectorship.

Bápat's savings bank accounts so far corroborate his statements that they show that he drew out Rs. 700 on 5th June 1886 from his wife's account and Rs. 300 from his own.

Vishnu A. Patwardhan confirms Bápat's story by saying that in May 1886 he took a message from Hanmantráo to Bápat, and was afterwards present at the interview between them.

48. There are in the case as thus epitomized such facts as should be looked for if the accusation were true. The curious summons KT dated 4th June 1886 is wholly unaccounted for by Mr. Crawford. The sums drawn out of the savings bank by Bápat correspond nearly, but not exactly, with what he says he advanced by way of loan to Mr. Crawford. Bápat was specially favoured in the way of promotion in July 1886, and when the arrangements then made had proved abortive he was again specially promoted in November 1886. This appointment was contrary to the rules made in 1885, under which all Mámlatdárs had equal claims to promotion according to the order in which they passed the examination according to the Higher Standard.

49. The Commissioners dwell on what they deem "the improbabilities on the face of this story," but these fade away on close examination, except indeed the improbability that a man in Mr. Crawford's position should accept loans from a dependant. Mr. Crawford had no doubt in April recommended Bápat's retention in his office. This would probably be known amongst the establishment. But from the letter (KX) dated 1st June 1886 written by Mr. Crawford it appears that the proposal had not yet been formally sanctioned. He says, "I have already asked for his services for six months." This letter was written just before the negotiation with Hanmantráo was brought to a close. Mr. Crawford's letter (KT) is dated 4th June 1886. It was thus not at all unlikely that Bápat at this time should both have some fears as to his retaining any position in the office and some hopes of promotion in the changes then impending. The Governor's Private Secretary in fact on the 30th May 1886 mentioned Bápat as a possibly fit person for the post of Native Assistant (Ex. KW), a suggestion which Mr. Crawford two days afterwards either perverted or wholly misconceived (Ex. KX). That there was in fact something to be gained which might be a substantial consideration for Bápat's loan the events of the next few months demonstrated.

50. If the payment of money in June 1886 is proved the further payment to which Bápat deposes as having been made in February 1887 cannot be deemed improbable. Promotion to the first grade had a substantial value even without an immediate increase of salary. Bápat and Thakár were both anxious to take the place of Sáthe, who it was thought would go to Bhor, and Exhibit LY, dated 15th January 1887, shows that Mr. Crawford was looking after Bápat's interests. Having thus benefited by his liberality already and having good prospects in view, what was there improbable in his adding Rs. 500 to the Rs. 1,000 he had already lent to Mr. Crawford?

51. The Commissioners point out what is quite true that we have only Bápat's own word for what he did with the sums of Rs. 700 and Rs. 300 drawn by him from the savings bank. The facts of these drafts having been made were, it seems, adduced by way of corroboration of Bápat's story or to anticipate the objection that the sources of the alleged payments to Mr. Crawford had not been shown. When the Commissioners further suggest that the Rs. 300 drawn in February 1887 may probably have gone towards making up the sum of Rs. 2,000 given by Bápat in that month to his father, they must have overlooked the document KU which shows that Bápat withdrew Rs. 2,000 from his wife's account on the 12th February 1887 besides the Rs. 300 drawn from his own on the 2nd February 1887 (Ex. KZ.)

52. The fact of the actual delivery of the two sums of Rs. 1,000 and Rs. 500 to Mr. Crawford by Bápat depends on the witness' own sole statements. No one saw the payments made. But the case seems to be one in which the principle recognized in the Indian Evidence Act may properly be applied. The transfer of the money was veiled under the decent semblance of a loan. Bápat, as his own evidence shows, was a man of some means. He had a very high character,* such that he had gained the favourable opinion of the Governor.† Had there been any design on Bápat's part to foist a false story on the Government and the Commissioners it would have been an obvious and easy device to make his withdrawals of money, as *ex. gr.* the Rs. 700 and Rs. 2,000, correspond precisely with the sums alleged to have been paid to Mr. Crawford. If having gained such benefits as he received from Mr. Crawford without any equivalent Bápat then turned round and accused his benefactor of corruption, it was an instance of gratuitous and unnatural malevolence as well as of gross perjury. There is no prior reason for supposing Bápat capable of these enormities.

53. The circumstances under which Bápat was temporarily suspended have already been discussed. He came forward reluctantly to give information, fearing that he might become the victim of some misrepresentations. There is nothing in the facts to make it probable that Bápat's story was false. It is entitled to credit unless it is opposed by indisputable facts.

54. The Commissioners think "there is nothing in Mr. Crawford's action (towards Bápat) to excite suspicion." His promotion from the fourth to the first grade of Mámlatdárs was not, they say, unprecedented. If not unprecedented it was very unusual, and the instances with which the Commissioners compare it‡ arose under entirely different circumstances and rules. Pendse entered the service before

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* Report, p. 34 (*see* p. 36 of this paper). † Ex. KW.
‡ Report, p. 13 (*see* p. 16 of this paper); Proc., p. 255.

passing an examination according to the Higher Standard was made indispensable. He was the only M.A. in the Native Revenue service when made Chitnis by the Commissioner in 1879. He passed through all the grades of Mámlatdárs and was ranked as a Deputy Collector as soon as that rank became an attribute of the Native Assistantship.

Chitgubi also passed an examination according to the Higher Standard before that became compulsory in 1879. He obtained promotion accordingly and took precedence even of Soman, otherwise his senior but who passed the examination after him.

Sáthe passed the examination long before his contemporaries. He did not supersede any senior who had passed by the Higher Standard. Bhárde's is a similar case.

55. Since 1879, when the examination instead of being voluntary became compulsory, promotion has been regulated by seniority amongst those who have passed. Thus Bápat's rapid rise as a Mámlatdár was wholly irregular though he might well after a time have been rewarded for his good service with the rank of Deputy Collector. These somewhat intricate details of the administrative system seem not to have been quite correctly apprehended by the Commissioners. Bápat's position in the Commissioner's office was all along precarious. His promotion gave him a better place to fall back upon, and so a better starting point for promotion in the event of his reversion to the general line of service. It was an earnest of good things to be obtained in the Commissioner's own establishment should any places there, as seemed likely, become available.

56. There seems also to have been some misapprehension on the part of the Commissioners as to the events discussed by them in the second paragraph of page 34 of their report. The documents KS to KX show that in May 1886 Bápat was growing somewhat uneasy as to his prospects. On the 27th May 1886 Mr. Crawford sent a rather discouraging reply to his application of the 26th. On the 1st June 1886 he said it would be unfair to seniors to give to Bápat the place of Native Assistant. Bápat's conferences with Patwardhan and Hanmantráo must have been almost simultaneous with the letter last mentioned, but probably a little later, for Mr. Crawford's hurried and almost passionate summons KT is dated 4th June 1886. It was not likely, supposing the evidence in any degree true, that he lost a moment after hearing from Hanmantráo of Bápat's pliability in seeking to take advantage of it. The Rs. 700 were drawn out on the 5th June 1886. As to the events of January 1887 a reference to the documents KY shows that when it was thought that the Native Assistant Sáthe was going to Bhor, Bápat applied for his post on 15th January 1887, offering to take the work in addition to his own. Mr. Crawford replied: "I will "recommend you for the place when your own special appointment terminates at the "end of February. I should stultify myself by going farther." He was willing therefore to do all that he could with a prospect of success in behalf of Bápat. More than this Bápat could not expect.

57. The whole history of the relations between Mr. Crawford and Bápat when examined in detail seems thus certainly not to weaken, but in some material degree to confirm, the truth of Bápat's evidence. Mr. Crawford's denial has to be taken for what it is worth; it leaves the letter KT unexplained; it is impaired in its effect by the circumstances previously adverted to. On a careful consideration of the whole case it seems impossible to avoid the conclusion that there is, to say the least, a great preponderance of probability in favour of the truth of the charge.

58. The case of Ganesh Pándurang Thakár is connected with that of Shankar Bhálchandra Bápat by the circumstance that both were in January 1887 candidates for the office of Native Assistant to the Commissioner expected to be vacated by Sáthe's employment at Bhor. When Thakár, who had an excellent reputation, asked Mr. Crawford for the place, Mr. Crawford, he says, told him that Bápat would be appointed should there be a vacancy. This accords with Bápat's story already discussed.

59. Towards the end of January 1887 Thakár says he paid a visit to Mr. Crawford at Poona and urged his claims to be made a Deputy Collector or a Forest Settlement Officer. He continues: "Then Mr. Crawford said he knew my claims and would take "interest in me and look after me. Then he said to me he was in great pecuniary "difficulties and he asked me to give him Rs. 1,000 . . The words . . were to "this effect: 'You should help me and I will help you' . . I said I would think and "see what I could do . . When I was going, Mr. Crawford pointed to Hanmantráo "and told me to pay the money to him as soon as possible." Thakár then went to

Ahmednagar and there consulted his brother Govind P. Thakár, who advised him to satisfy Mr. Crawford's demand. He accordingly drew Rs. 1,000 from the savings bank on the 31st January 1887, took it to Poona and paid it to Hanmantráo. It does not appear that Thakár stipulated for any particular piece of promotion or was promised any. He paid or lent for general favour.

60. That Ganesh Pándurang Thakár drew out Rs. 1,000 on the 31st January 1887 is proved by his savings bank book. A sávkár, Ganesh Náráyan Nagarkar, gave notes to him in exchange for silver; some of the notes he obtained at the treasury in Thákár's name. Govind Thákar confirms the story of his brother's conference with him. Khárkar was a friend of Thakár's, and he says that on Thakár's arrival from Ahmednagar about 5 a.m. he came to his house at Poona where he had stayed on previous occasions. The Commissioners observe that Khárkar's house is not on the nearest line between the railway station and Hanmantráo's, but Thakár was not likely to go to Hanmantráo's house at 5 a.m. When he did go from Khárkar's, at about 6 a.m., he told Khárkar of the demand, and that he was going to pay the Rs. 1,000 to Hanmantráo. On his return he said he had paid the money. The Commissioners think this second call at Khárkar's improbable, but as Thakár would naturally bring some few articles with him from Ahmednagar and leave them at his friend's while he went to Hanmantráo's it seems most likely that he should call at Khárkar's in returning. It does not appear that he was pressed for time. Khárkar's statement on the trial of Hanmantráo that he had not made any statement against Mr. Crawford and did not intend to make any is explained by him as referring to his own dealings, and it seems clear that this must have been his real intention (Proc., pp. 127, 128). The seeming mis-statement is thus got rid of.

61. The corroborative evidence in this case as in others does not go to the precise point of the demand by Mr. Crawford of the money or of the placing of the notes in the hands of Hanmantráo according to Mr. Crawford's direction. Short of this however the circumstances that might be expected to attend such a transaction as Thakár describes are clearly proved. It is not easy to conceive that Thakár should have drawn out Rs. 1,000 from the savings bank in January 1887 in order to make evidence for a fabricated charge in September 1888. If it be suggested that a false story has been grafted on to a real draft made for some legitimate purpose, then the observation recurs that the drawing of money by many persons at many different places just before alleged furtive payments to Mr. Crawford or to Hanmantráo by Mr. Crawford's direction would be a most extraordinary coincidence unless their stories were generally true. Either their stories must be generally true, or there must have been a vast conspiracy extending throughout the Central Division with no other object than to ruin and disgrace a popular and distinguished official. Thakár can have had no purpose of gain or revenge to further by a false denunciation of Mr. Crawford. He must have known the peril of such a step. His position was a good one, and he had an ambition corresponding to his character which stood high. Here are combined all the usual sanctions of truth. There is no reason to suppose that Thakár would be insensible to them. In spite then of Mr. Crawford's denial the charge in this case must be held proved. It was *a priori* of course most unlikely that Mr. Crawford should have condescended to ask for money from a subordinate, but it is still more unlikely that so many persons from different places and having different interests should all tell gratuitous falsehoods—should without any moving cause and without a particle of truth tell stories all contradicting the presumption in Mr. Crawford's favour.

62. The case of Khárkar is one of extreme simplicity. He was serving as Deputy Alienation Assistant to the Commissioner when the place of Assistant fell vacant on the 1st April 1887. He was put to act in the vacant place and was naturally anxious for the substantive appointment by which his income of Rs. 150 a month would be doubled. A draft order for his appointment was according to his testimony and that of Pendse submitted to Mr. Crawford early in April. For one reason or another this draft was not returned, and when early in June Khárkar spoke to Mr. Crawford on the subject, Mr. Crawford said he was short of money and asked him for a loan of Rs. 1,500. He replied that he could not spare more than Rs. 500. His appointment was made with retrospective effect from the 1st April previous, and then he handed Rs. 500 to Mr. Crawford.

63. Mr. Crawford of course denies this story. The Commissioners think that Khárkar is sufficiently discredited by his having said on the trial of Hanmantráo that he had not made any statement against Mr. Crawford, nor did he intend to do so. Khárkar afterwards gave a memorandum of this case to Mr. Ommanney, who

had charge of the inquiry, owing, as he says, to alarm caused by Bhimbhái's telling him that Mr. Ommanney had evidence against him. The Commissioners say, "If this is true it is strange that no such evidence was produced before us"; but it does not seem really strange that evidence should not have been produced against Khárkar who was not under trial. Nor indeed would Bhimbhái's supposition that there was evidence be at all equivalent to the actual existence of evidence.

64. Khárkar's story seems probable in itself. He had no motive for injuring Mr. Crawford. His attitude on the trial of Hanmantráo showed that he entertained a friendly feeling towards Mr. Crawford. He was alarmed and made a clean breast of what he knew. This is the natural and reasonable account of the matter. It seems more likely that Mr. Crawford's denial should have been false than that Kharkar's accusation should have been a mere maglignant invention. On the latter supposition Khárkar must have been guilty of the most gratuitous and blackest ingratitude. He could not have supposed that the evidence Mr. Ommanney had would correspond to a wholly imaginary transaction, and on the whole the probabilities are greatly against Mr. Crawford.

65. Soman's case, if his testimony is true, is like Bápat's and Thakár's one of a virtually forced loan. He was Mámlatdár of Erandol in Khándesh when an order was made transferring him to Válva in Sátára. This would have been highly inconvenient to him. He obtained from his superior, Mr. Loch, a letter to Mr. Crawford* deprecating his removal, and having furnished himself with Rs. 1,000 he went to Poona. There he got into communication with Hanmantráo, who took him at night to Mr. Crawford's house. There Hanmantráo first spoke to Mr. Crawford and then introduced Soman. Soman represented his case and Mr. Crawford gave him a letter to Mr. Loch† asking him to put Soman in to act as Mámlatdár at Chopda.

After giving Soman this letter Mr. Crawford, according to Soman's statement, said he was much pressed for money and demanded Rs. 1,500, which as Soman understood was to be a loan. Soman demurred and haggled, but at last consented to give Rs. 1,000 at once and Rs. 500 afterwards. He paid the money to Hanmantráo. On his return to Khándesh he was posted to Nandurbár, and he has remained in that district ever since.

66. Such is the story of Soman. The statement of Rámbháu cannot be considered as affording any material support to it though quite consistent with it. It has no other corroboration. The Commissioners object to it that it shows only a loan, not a payment for favours. The distinction seems purely one of theory or of names. Then it is objected, Soman having Mr. Loch's letter would naturally go at once to Mr. Crawford. Why he furnished himself with money and why he went to Hanmantráo, Soman could probably have explained had he been questioned on these subjects in cross-examination. As he was not, mere conjectures seem out of place. The account of what took place at Mr. Crawford's house, instead of being improbable, has a remarkable verisimilitude. Soman describes himself as protesting and haggling for easier terms in exactly the way that was to be expected. The mere fact that terms had been in some measure arranged would not at all prevent this in a native. It is not to be supposed that "he brought the Rs. 1,000 to Poona" definitely "intending to pay the money as a bribe." He probably brought—*did* bring it if his own account is true—as a means of meeting such a contingency as might very likely arise. That would not prevent his struggling for the easiest terms.

67. It is not easy then to accept the reasoning of the Commissioners in the paragraph which has just been discussed. But in saying that Mr. Crawford's orders and recommendations are *primâ facie* consistent with an honest discharge of his duty they are undoubtedly right. The only point calling for observation is that while Mr. Loch asked for Soman's retention at Erandol on account of his local experience Mr. Crawford, while keeping him ih Khándesh, sent him first to Nandurbár and then to Páchora, thus satisfying Soman's own wishes rather than those of the Collector.

68. The present case thus rests substantially on Soman's statement as against the inevitable denial of Mr. Crawford. Were there no other instances the present charge could not be considered proved beyond reasonable doubt. As it is, the case must take its place amongst the accumulation of instances each tending to prove corruption, and the evidence on which is not less credible when it relates to different occasions than if it all centred on one. In the latter case it would probably be felt to be irresistible.

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* Ex. HA. † Ex. HA.

The only way, apart from the general truth of these statements, in which to account for such a coincidence of falsehoods would be by a theory of general conspiracy in which the principal native officials of the Central Division had combined to ruin an innocent and generous superior. Of any such conspiracy the Inspector-General of Police must have been the chief moving spirit; concurrence or harmony of statements could not otherwise have been obtained. Such a supposition is not for a moment to be entertained. Thus the question arises and is left unanswered in this as in other cases of why should Soman, having benefited by Mr. Crawford's unbought kindness, requite this kindness by coming from Páchora to Poona in order to launch a groundless and cruel denunciation against his benefactor? How is it possible that Mr. Crawford should have chosen as the objects of his favours so many of the basest of mankind? Soman like others must have known that by Mr. Crawford's ruin his own chances of recoupment would be destroyed.

69. Supplementary to the main charge in Soman's case is one of petty extortion or perhaps of fraud upon the unfortunate Mámlatdár, which if it is true could hardly be exceeded in meanness. In February 1887 Mr. Crawford visited Páchora. There he said he was short of cash and asked Soman, who was Mámlatdár, to let him have Rs. 200. Soman got the money from a sávkár and it was sent to Mr. Crawford. At night when Mr. Crawford was going away he told Soman to give his butler such money as he needed and Soman next day sent Rs. 150 to the butler by Mr. Crawford's haváldár who came for it. Soman wrote to Mr. Crawford for the cheque which he had promised to give for the whole sum thus borrowed, but no cheque was ever sent. When Soman asked for the money in March or April, Mr. Crawford again said he would send a cheque, but he did not send it. Shridhar Váman (Proc., p. 260) confirms Soman as to Mr. Crawford's asking for money though with variances in details. He was employed by Soman to write an English letter asking for payment.

70. Mr. Crawford's only answer to this is that he at the time gave Soman a cheque for Rs. 350 which he thought had been presented. Clearly it had not, as the fact would have been proved. Had he drawn a cheque at all he should have been able to show the counterfoil. He did not, nor did he even show that there was a gap of one number in the series of his cheques presented for payment. Soman, who had himself been forced to borrow Rs. 200 in order to satisfy Mr. Crawford's demand, was not at all likely to omit sending the cheque for payment. Mr. Crawford's account of the transaction is palpably false. His denial of the obligation is an attempt, or the crowning act in a continued attempt, at fraudulent evasion. It makes some things deposed to in other cases probable which would else be highly improbable. It makes his unsupported denials worthless.

71. Had there been nothing more in the case just considered than an instance of mere borrowing from a subordinate it would still have been a flagrant violation of the order of Government dated 4th February 1843 (Ex. LC). That order threatened anyone who should violate it with dismissal from office. Mr. Crawford appears to have disregarded it in other instances. One of these is the case of Ganesh Chimnáji Vád (Proc., p. 258). He says that Mr. Crawford visited Bhusával in March 1887. Vád was Mámlatdár there and as Mr. Crawford was leaving he borrowed Rs. 50 from Vád. Mr. Crawford appears to have left his butler without money and he too borrowed Rs. 100 from Vád. Mr. Crawford returned after about a week, but did not then say anything as to repayment of the loans. On his next visit he asked Vád what sum he had advanced to the butler and that sum was repaid after some time by the butler. The Rs. 50 which Mr. Crawford himself borrowed were never repaid. Mr. Crawford says he never borrowed it. If Vád's story is true there has been on Mr. Crawford's part not only falsehood but an attempt at extortion or fraud. In an ordinary case the presumption in favour of Mr. Crawford's denial would be very strong; but Soman's case must here be held to have weakened or annulled it. Vád is not an "accomplice witness." He could have had no object to serve in putting forth a false accusation on this petty scale. Its success would deprive him of any chance of recovering his money. The balance of probability appears to be greatly in favour of his story as compared with the absolute denial of Mr. Crawford.

72. A case quite similar in its essence though more intricate in its details appears to be that of the borrowing of Rs. 300 from Mr. Pendse, Assistant Commissioner, in January 1887. On the 9th of that month Mr. Crawford wrote to Mr. Pendse asking him to advance to Mr. Crawford's butler "whatever money he requires. I will repay it on my return on Wednesday morning." The butler asked for Rs. 300 and received it. On 15th January 1887 Mr. Crawford wrote to ask what he owed Mr. Pendse "for

railway freight." Mr. Pendse (Proc., p. 259) told Mr. Crawford what he owed, but it has never been paid. He afterwards reminded Mr. Crawford repeatedly of the debt, but it was never discharged.

Mr. Crawford (Proc., pp. 280–1) says the advance was made as to two-thirds for his own baggage and as to one-third for Government tents and records. Even in the latter case the money ought to have been repaid. Mr. Crawford admits that the account remained unsettled. His denial that the money had been asked for by Mr. Pendse is less probable than Mr. Pendse's assertion that he demanded payment. Even if his own account could be accepted, his mixing Government baggage with his own and postponing for a year and a half payment of money borrowed for carriage would be quite indefensible, but a comparison of his statements in cross-examination (Proc. p. 222) with the evidence of the travelling peons Tukárám (Proc., p. 327) and Gopál (Proc., p. 333) shows that he gave an erroneous account of the tour or expedition. No Government tents were sent to Kopargaon; they went to Nándgaon and Ahmednágar and eventually reached Kopargaon after about seven weeks. Luis, the butler who received the Rs. 300, did not go to Kopargaon. He seems sometimes to have paid cart-hire, but there was none to pay in January. No private tents or baggage went from Poona to Kopargaon. The Government tents went from Poona to Nándgaon by railway, which would account for the question of Mr. Crawford on the 15th January 1887. This question was sent from Kopargaon, so that the tents must have left Poona many weeks before. The references to Lord Dufferin's visit by Soman* accorded with this. When, therefore, Mr. Crawford wrote from Kopargaon there was no Government property to be removed thither. Had there been, the evidence shows that the Government tents, &c., at Poona, were kept at the office; the Commissioner's butler had not charge of them. The letter of 9th January 1887 seems to have been merely a shift for raising the wind and providing the butler of Mr. Crawford with a little ready money; and this is a sufficient reason why there was no settlement or payment afterwards. The suggestion that the Government was a a joint debtor is a mere afterthought refuted by a close examination of the facts. The case reduces itself to one of borrowing from a subordinate and of such procrastination in payment as might be expected from a man reduced to pecuniary extremity.

73. In the case of Raghunáth Ganesh Támbe the fact of a payment of money to or through Kázi Abbás is beyond dispute. The precise sum does not appear to the Commissioners to be proved, being deposed to only by the three principal witnesses corroborated by two documents. One of these documents is a letter of which the cover has been lost. Had the cover been preserved a fabricated letter could and would on the hypothesis of a conspiracy have been placed in it. The second document, a bond, appears to the Commissioners of doubtful genuineness. But here too, had there been a conspiracy the bond and the evidence of the bond could easily have been adapted to the exigencies of the occasion. There seems to be no substantial ground for doubting the main facts deposed to by the witnesses. Raghunáth Ganesh Támbe, if he had been merely tricked by Kázi Abbás, would have had no ground for resentment against Mr. Crawford, and why are we to suppose that instead of seeking vengeance on the man who had really cheated him he should gratuitously turn on one who had shown him only kindness and was perfectly innocent of any wrongdoing?

74. The Commissioners think it unlikely that the considerable sum of Rs. 900 should be paid for a place which would afford to the payer an increase of salary of only Rs. 25 a month. But Támbe, of course, calculated that having once got over the barrier raised by his ignorance of English and obtained a place as Awal-Kárkun or head assistant to a Mámlatdár, he would soon obtain further promotion and ere long reap the benefit of his service of 25 years. Without the first great step nothing probably could be done. Time was running on and a prompt opening to fortune, which doubtless looked more golden than it would really have been, was likely to be well paid for if a high price were insisted on.

75. No doubt the appointment of Awal-Kárkun is in the gift of the Collector, not of the Commissioner. But Támbe could hardly suppose that the Commissioner's influence would not suffice to obtain him the post. In fact, Mr. Crawford did write, as he admits, to the Collector of Sátára recommending Támbe to his special consideration. He might do this out of mere kindness to an old servant of Government, but

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* Proc., pp. 172–3.

if he did, why should we impute to the *protégé* the baseness and malignity of rewarding his friend and benefactor by plotting his ruin? Some presumption of human feeling may fairly be made even in the case of a native clerk.

76. Támbe says that when he obtained access to Mr. Crawford through Kázi Abbás he asked for the post of Awal-Kárkun. Mr. Crawford answered, "I will give you a place, but you will have to bear some expense," and again, "The Kázi will tell you about the expense. Do as he tells you." The Kázi fixed the sum to be paid at Rs. 900, viz., Rs. 700 for Mr. Crawford and Rs. 200 for himself. Támbe, who had brought from Sátára a draft for only Rs. 500, had to borrow Rs. 300 more. The sum of Rs. 800 was thus made up, but Kázi Abbás receiving Rs. 100 had to put up with a promise of the other Rs. 100 of his share. On being taken to Mr. Crawford Támbe handed the Rs. 700 in notes to him. In return he got a promise of the promotion he sought. After a couple of disappointments Támbe grew uneasy. He went to Poona, obtained an interview with Mr. Crawford, and demanded either a place or the return of his money. Mr. Crawford agreed to this in April 1888, but after waiting until July, and getting nothing, Támbe went to Poona again. Then Mr. Crawford, after another interview, sent out Kázi Abbás to say the money would be returned. Kázi Abbás said he must retain Rs. 50 out of his own fee, but for the remaining Rs. 850 he passed a bond to Támbe. Correspondence followed and on the whole there seems to be no reasonable doubt as to this transaction.

77. Why then did Kázi Abbás pass this bond to Támbe? The account given by Támbe himself is quite natural and reasonable. He was not likely to borrow Rs. 800 merely to accommodate Kázi Abbás with a loan. Apart from his connexion with Mr. Crawford, Kázi Abbás had no claim on Támbe. That Támbe was seeking the promotion for which he says he paid Rs. 900 appears from the statement even of Mr. Crawford himself. That he raised about the time of the alleged interview what for him was a large sum of money is clearly proved. Rájárám confirms the story of Támbe with some variations as the Commissioners point out, but not greater variations than usually occur amongst the statements of honest witnesses. Kázi Abbás' confirmation of the story cannot be deemed of much weight, but it is itself confirmed by the bond and the letters which cannot otherwise be accounted for. Dulikhán's testimony proves these documents and Bháskarbhái proves that he on the 14th October 1887 drew up the petition in which Támbe set forth his claims to promotion. The documents from JQ down to KG have all the marks of genuineness, and they cannot be read without producing a conviction that Támbe's story is in its main particulars true.

78. It seems impossible to suppose that all these circumstances, consistent with Támbe's story and supporting it, should have been devised and arranged months before the suspension of Mr. Crawford, with an almost fiendish ingenuity and malignity, and with an accurate provision of a contingency which at that time could not possibly be anticipated. Then, as the document JR shows, Mr. Crawford did write on the 17th November 1887 to the Collector of Sátára to ask him to give Támbe an Awál-Kárkunship. He might have been prompted by mere kindness, but that feeling would probably have operated, if at all, much sooner than a month after Támbe's interview. It would not generally induce a Commissioner to prompt a Collector to a breach of the standing orders of the Government. Meanwhile it is clear that Támbe had parted with a large sum of money. He was anxious and importunate about the consideration for it, and the series of shuffling and procrastinating letters from Kázi Abbás are just what were to be expected under the circumstances described by Támbe. Kázi Abbás speaks of a deposit and uses other enigmatic terms, but what he says about expected vacancies and the certainty of Támbe's promotion makes the true nature of the transaction perfectly clear. In fact the money must have been given either to Mr. Crawford directly or to Kázi Abbás. In the latter case Támbe would naturally have appealed at an early stage to Mr. Crawford or insisted on having some assurance from him. He says he paid Mr. Crawford himself, and why should he lie? All the facts, allowing for the infirmity of human observation and memory, support his story, and on a reasonable estimate of the whole case it seems impossible to acquit Mr. Crawford on this charge.

79. In the cases thus far discussed, Mr. Crawford appears himself as the direct recipient of money or as ordering it to be paid to his dependants. If the charges in these cases are proved, the proof of further delinquencies is in a manner rendered superfluous. There is, however, a large class of cases in which Mr. Crawford is not himself brought into immediate contact with the payers of money. Much in these

cases depends on the precise relations subsisting between Mr. Crawford and his agents Hanmantráo and Kázi Abbás. These relations have already been considered at some length. Now, after a close examination of the cases of Bápat, Thakár, and Soman, it seems impossible to escape the conclusion that Hanmantráo was employed, or allowed to exercise himself, as an agent for procuring money in illicit ways. Whether the payments from aspirants to favour took the name of gifts or loans they were equally illegitimate. Should the evidence on these cases fail even to produce absolute conviction of the corrupt payments therein deposed to, yet it must produce a belief or inclination amounting almost to conviction of the employment of Hanmantráo in getting loans by devices hardly short of extortion. If then we consider in this light the cases in which Mr. Crawford's delinquency depends on his connexion with Hanmantráo, the evidence in this latter class, corroborated as it is, seems to establish beyond all reasonable doubt the agency, the authorised activity, of Hanmantráo in exacting large sums of money in numerous instances. The Commissioners appear to have felt a difficulty in holding that such an agency was established. If the charges of direct corruption could be held absolutely groundless, or even highly improbable, there would indeed be a reason for saying that unconscientiousness and malevolence were so widely diffused in the Central Division that, the evidence wholly failing in these cases to produce belief, it must fail to produce it in any case whatever. Apart from any such extreme conclusion as this, it seems impossible to refuse credit to the testimony and the reasoning on ordinary experience which prove that Hanmantráo was in fact Mr. Crawford's agent in the cases which rest on that fact, and if Hanmantráo was an agent of this kind, then the indications should not be contemned which show that Kázi Abbás, though on a less conspicuous scale, was such an agent also. The case of Raghunáth B. Támbe seems indeed to establish that Mr. Crawford himself took a part in corrupt proceedings initiated by Kázi Abbás, which would clearly constitute the relation of principal and agent between them. And if it is proved in that case in connexion with the facts thus brought to light, the agency must in reason and justice be extended to the cognate transactions in which, notwithstanding a diversity of circumstances, their essential relations were obviously the same.

80. Here an observation occurs very similar to one which has already been made more than once. If the numerous witnesses who depose to Mr. Crawford's corruption through Hanmantráo's agency have told falsehoods, how come they by accident all to fix on Hanmantráo as the agent? If there was a great and nefarious conspiracy, then the Inspector-General of Police must have been the centre of it. And in such case, the object being to strike at Mr. Crawford, why create difficulties by the interposition of Hanmantráo and Kázi Abbás? An ordinary degree of credit must in these, as in other cases, be given to human testimony and to the accumulation of independent proofs, all tending to the same conclusion.

81. The Commissioners seem to have been of opinion (indeed the conclusion could not be avoided) that if once the agency of Hanmantráo and of Kázi Abbás were established, the instances brought forward of payments to them were quite enough to inculpate Mr. Crawford. The quotation from their report given at paragraph 23 above makes this clear. As the evidence viewed reasonably and on an aggregate does establish this agency, it is inevitable, that conclusion having once been reached, that a condemnation of Mr. Crawford should follow. It does not seem necessary or desirable to go through all the cases of alleged corruption through Hanmantráo and Kázi Abbás. A selection of a few typical instances will answer every useful purpose, it being borne in mind that there are many others. If the evidence in these cases can be absolutely disbelieved, there is no reason why it should be believed in the others. If it is credited as establishing even a strong probability, that probability must grow with each successive instance until such a conviction is arrived at as is possible and is sufficient ground for serious action in human affairs.

82. Chaubal's case shows how Hanmantráo's position could be and was used as a means of direct and unmerciful extortion. In August 1887 Chaubal saw Mr. Crawford and complained that in certain arrangements of the Mámlatdárs he had been made to revert to a lower position, while some of his juniors had been allowed to retain a higher one. Hanmantráo, who was present at the interview, told him immediately afterwards that, in spite of the fair promises made by Mr. Crawford, promotion would not be obtained without money. He did not pay, and no promotion came. In January 1888 he saw Mr. Crawford, who then made him an acting Mámlatdár. In April 1888 this employment came to an end. It is plain, from the statements of many

of the witnesses, that they particularly dread falling back from the position of Mámlatdár to that of Head Kárkun, and this was exactly what Chaubal had to fear. He escaped the humiliation by taking leave, and then going to Mr. Crawford he obtained from him a promise of the first vacant mámlat. He was followed from the house by Hanmantráo, who threatened that in spite of the promise he should revert to his kárkunship unless he paid money. Rs. 2,500, and eventually Rs. 1,500, were demanded. To show his ability, Hanmantráo went back to Mr. Crawford's house and brought out a nomination of Chaubal to an acting mámlatdárship at Tásgaon. On the 28th May 1888 Chaubal was appointed sub. *pro. tem.* Mámlátdar of Erandol. At Poona he says he paid Rs. 500 to Hanmantráo. He had not, he says, agreed to pay except for a substantive appointment, yet he thought it prudent to show his appreciation even of an instalment of favour. Under further pressure from Hanmantráo he agreed to pay Rs. 1,000 more whenever he should obtain a substantive appointment as Mámlatdár.

There was no reason why Chaubal should fabricate this story. In it he does not directly criminate Mr. Crawford. He describes himself in an apparently truthful way as haggling with Hanmantráo as to the terms. His hesitation and delay, his reluctance to part with money, and his ultimate yielding to apparent necessity are traits not likely to have been invented.

83. Chaubal's story is corroborated by Atmárám Mahádev, who saw him hand a bundle of notes to Hanmantráo. Atmárám is a non-official witness of respectable position, and nothing is said against his character. No reason is alleged why he should tell falsehoods in this case. What he witnessed was no doubt somewhat unlikely, but so are most of the material facts that support criminal convictions, and yet they are believed on human testimony. It would have been easy to invent a specious reason for Atmárám's being present had the case been one of conscious perjury and concoction. He was on very intimate terms with Hanmantráo, and had lent him money. He was no volunteer, but a witness who for two months kept out of the way, and whose testimony in this and in Pradhán's case was obtained with difficulty. The reasons given by the Commissioners for disbelieving it seem to be particularly weak. The 15th June being a Sunday, it was quite in accordance with common practice that an order written on that day should be dated as of the 14th. The alteration to the 19th was made to secure correspondence with the register date of issue of the order from the office (*see* Ex. II., Proc., Vol. II.). Pendse says he received the order before going to office, *i.e.*, before office hours. The fact that Chaubal's grievance had been partly attributable to the Collector would not at all prevent Hanmantráo from using the whole series of events as a means of terrorising Chaubal. That Chaubal holding out at first against payment except for a very substantial equivalent should have been subdued by circumstances and by pressure into paying a smaller sum for a smaller blessing was surely consistent with human nature. He changed his mind, as men commonly do, under the influence of ambition and disappointment and evil suggestion.

84. Hanmantráo as a hanger on at Mr. Crawford's house, as an agent for raising money for Mr. Crawford from any one on any terms and without questions asked, allowed to be present and to put in his word in the conversations between Mr. Crawford and the Mámlatdárs seeking favour or redress, was undisguisedly held out by his employer as a pander to corruption. In allowing Hanmantráo to play such a part as Chaubal and other witnesses describe, Mr. Crawford was guilty of connivance at least at base and infamous practices. His experience was great, his knowledge of human nature and of native weaknesses far above the common. To suppose he stood innocent and unconscious amid the flood of corruption to which he himself had opened the gates is to contradict the plainest suggestions of reason. Every high official in India who is known to be deeply in debt is supposed to desire loans, to be accessible to offers of accommodation, and to be ready to requite such a service with official favour. Mr. Crawford had in person accepted loans in a reckless and dishonouring if not in a criminal way. He had allowed and encouraged Hanmantráo's intervention in some of those transactions. In such a state of circumstances his allowing Hanmantráo to play the part described by Chaubal was an encouragement and confirmation of Chaubal's belief in Hanmantráo's agency and made him, as he must have known, responsible for Hanmantráo's acts.

85. The case of Nagarkar illustrates, taking the most favourable view of it, the evils that must inevitably arise from the employment by an official in Mr. Crawford's

position of a man like Hanmantráo. Setting aside for the moment any imputation of direct and open corruption on Mr. Crawford's part, the known connexion with him of Hanmantráo would necessarily create an impression that Hanmantráo had his ear. His notorious pecuniary difficulties would suggest the idea that loans of money would be acceptable; that too many questions would not be asked, and that in aiding the agent to fulfil his special function favour would be gained with the principal. Nagarkar says that when he went, as he was very likely to do, to Hanmantráo in order to invoke his good offices in procuring an exchange of mámlat, Hanmantráo suggested that the Commissioner (Mr. Crawford) was in difficulties and a loan or advance of Rs. 500 would be very acceptable. Nagarkar lent the money not on any precise stipulation for a particular exchange, but on a general understanding that he would profit by it. In December the same thing occurred again. Hanmantráo asked for a further loan of Rs. 500 and received it. Nagarkar being confirmed as a third grade Mámlatdár soon afterwards attributed his good fortune to his liberality in lending money.

86. There seems to be nothing improbable in Nagarkar's story. It is quite free from exaggeration and the too precise specification to be expected in a fabricated tale. Granting for the moment that Mr. Crawford was not even aware of the particular transaction, yet it is certain that under the circumstances such transactions must occur, and Mr. Crawford having done and allowed what he did cannot be acquitted of wilfully shutting his eyes to extortion and to indirect, if not direct, corruption on his own part.

87. Another illustration is afforded by the case of Kacheshwar Chincholikar. This was a "senior man of good antecedents." He had no reason for antipathy or resentment against Mr. Crawford, who, on the hypothesis of no moneys having passed, had treated him with great kindness and consideration. It is utterly unlikely that he should have come forward with a fabricated story; equally unlikely that a fabricated story prompted by a base motive should have stopped short at the point to which the statement of the witness in this instance is limited. He wished to avoid Peint—to avoid going there and to get removed as soon as possible when actually sent there. He provided himself with drafts for money before he approached Hanmantráo and his provision was justified by a demand for Rs. 2,000, eventually reduced to Rs. 1,500, which sum he actually paid. It is obvious that this witness was moved by alarm for his own health and that of his family. The notorious relations between Mr. Crawford and Hanmantráo served as a positive invitation to give money to the latter, in order to obtain an advantage or escape a hardship. It was inevitable that corruption of the kind described should result, and for such corruption Mr. Crawford must be held responsible.

88. Yashwant Ballál Támbe's is from this point of view a similar case; but it is one in which we see mere acquiescent connivance verging into active complicity. It is evident from the facts detailed in evidence and dwelt on by the Commissioners that Támbe was subjected to many transfers. On one of these occasions after drawing pay in a grade higher than his own he was forced to refund the excess for August, September, and October 1887. His reversion from the third to the fourth grade of Mámlatdárs is very naturally accounted for, but it was very natural too that he should feel it as a hardship, seeing that some of his juniors were retained temporarily in the higher grade. Native officers, like other human beings, are apt to feel that in the inevitable official changes they are used more harshly than their fellows. Támbe noticed that where there was what is called a permanent vacancy he was only appointed "to do duty" instead of being given the acting appointment. He saw Mr. Crawford in March 1888, who, on being reminded of Támbe's merits as a reason for his not being slighted, merely answered, "There may be some other reason." He says he then put himself into communication with Deshmukh, and sent him Rs. 500, which Deshmukh says he paid at Támbe's desire to Hanmantráo. It is clear that Támbe drew out Rs. 420 from the savings bank just at this time, and that he procured a currency note for Rs. 500. He must have had some purpose in view. No other than the one he asserts is suggested. Setting aside Deshmukh's corroboration as in itself of but slight value, there seems to be a reason why, when Hanmantráo's position was notorious, Támbe should send money to him. There is no apparent reason why he should invent a wholly false tale merely to injure Mr. Crawford. The fact that he replaced in August the Rs. 420 which he had withdrawn from the savings bank in April shows that he was anxious to keep his money invested there, and would not, therefore, withdraw it without good cause. If he sent money for Hanmantráo, it is morally certain that Deshmukh paid it to Hanmantráo. For the opportunity thus

given Mr. Crawford was responsible, whether in fact he directly benefitted himself by the money or not.

89. If we turn now from the cases resting on the agency of Hanmantráo to those wherein Kázi Abbás is alleged to have been the agent the results appear on the whole more doubtful. One of these cases has already been considered at length, that of Raghunáth Ganesh Támbe, and there seems to be good ground for conviction in that instance. If so, then it needs little more to prove Kázi Abbás' general license to forage for Mr. Crawford's benefit wherever anything could be picked up. But the particular facts of the cases in which Kázi Abbás was concerned appear to be involved in some degree of uncertainty owing probably to the machinations of Kázi Abbás himself. This will appear from an examination of the cases of Phadke and of the Pátils Dáji and Govind. They display the difficulties which almost necessarily arise in such inquiries as the present, and unless a firm grasp should be kept of the general mass of the evidence they might even create a feeling of painful hesitation in accepting any general conclusion. Yet in these very cases, as it happens, the malign activity of Kázi Abbás is clearly demonstrated, and in circumstances which gave the persons concerned reason to suppose, and did in fact make them believe, he was an agent authorised by Mr. Crawford to receive and exact money on his behalf.

90. The Commissioners in discrediting the story of Rs. 500 being procured for Lakshman Chintáman Phadke rely much, and not quite unreasonably, on certain discrepancies in the different accounts of the manner in which a note was obtained from Haji Hassan Umar. What appears is that Phadke asked an acquaintance Jodhráj to lend him Rs. 500. Jodhráj happened not to have cash available, but he went to one Láyakrám and as he too was short of ready money they went to Umar's shop. Jodhráj and Umar were not acquainted. Jodhráj did not even know Umar's name, but Láyakrám and Umar were acquaintances, and at Láyakrám's instance Umar produced a note for Rs. 1,000 which Láyakrám exchanged in the bazár. Rs. 550 he gave to Umar and Rs. 450 he gave to Jodhráj, who adding to it Rs. 50 of his own handed Rs. 500 to Phadke. The Rs. 450 were repaid to Umar after a few days.

Now Jodhráj, looking at the matter from his point of view, naturally says: "I obtained the note for Rs. 1,000 from the Musalmán (Umar)." Láyakrám says he asked Umar to lend the money. This Umar would of course not do to a stranger as Jodhráj was to him, but advancing the money on Láyakrám's credit he debited him with the Rs. 450. In his evidence he says he gave the Rs. 1,000 to Láyakrám on Rs. 550 being brought by him with Jodhráj as his companion. Now it is obvious that if Láyakrám had had Rs. 550 in hand there would have been no need to resort to Umar. The Rs. 550 was obtained no doubt in the way described by Jodhráj and Umar's memory failed somewhat as to the details and the sequence of events. But there seems to be absolutely nothing in this to throw suspicion on the central transaction, attested as that is by the entries in Umar's books. The accounts given by Jodhráj, Láyakrám and Usman, those of non-official and somewhat indifferent or perhaps reluctant witnesses, are just such as were to be expected concerning a real transaction.

91. The account given by Bháu Mashrif is somewhat hard to reconcile with Jodhráj's. He says he went with Jodhráj to a Márwádi's (Láyakrám's) and waited there until Jodhráj came away with the money. He does not seem to have noticed the exit and return of Láyakrám with Jodhráj when they went to Usman Umar's. He, however, would not be very likely to accompany them, and he might not recollect their going and coming. His correctness of observation and memory are touched by this error, but not necessarily his good faith. As a suborned witness supporting an elaborate scheme of perjury he would certainly not have failed on an obvious point. Nor on the same supposition would the apparent discrepancies in the accounts of the other three witnesses have existed. A merely pretended loan of Rs. 500 could have been accounted for and backed up in a far simpler way by two astute money-lenders and by a man like Phadke accustomed to magisterial inquiries and the devices which such inquiries disclose. Suppose we had only Jodhráj's word for the transaction, what reason would there be to doubt it; and is his testimony to this collateral matter annulled by the drowsiness or inattention of Bháu Mashrif? What Phadke did with the money when he had got it depends on different evidence.

92. The statements of Phadke and of Kázi Abbás differ as to the mode in which the Rs. 500 was paid by the former. Phadke says he handed the money to Kázi Abbás, who took it into Mr. Crawford's house, whence Kázi Abbás soon afterwards came out to call Phadke to an interview with Mr. Crawford. Kázi Abbás says he saw Phadke

hand a packet to Mr. Crawford at the close of their interview. He does not admit that he himself received the money. The cause of this discrepancy may be easily conjectured, bearing in mind Hanmantráo's prosecution and punishment, but Abbás being discredited the case has to rest as to its principal evidence on the testimony of Phadke, who says only that he paid Abbás. He does not say that the payment was mentioned or even alluded to in the conversation between him and Mr. Crawford.

Unless then Kázi Abbás could on other evidence be deemed to have been held out as an agent by Mr. Crawford, or his acts inviting corruption had been manifestly connived at by Mr. Crawford, it does not seem that Mr. Crawford could on the testimony recorded be held responsible in this instance. Kázi Abbás was employed by Mr. Crawford no doubt, but, so far as appears in the evidence in this case, in a less ostentatious and corrupting manner than Hanmantráo. Mr. Crawford could not be so sure as in Hanmantráo's case that Kázi Abbás' position would be criminally abused. Raghunáth Támbe's case establishes Kázi's agency.

93. As to the payment of the Rs. 1,500 in July there is a discrepancy between Kázi Abbás' account of the circumstances of the payment and that given by Phadke and Bháu Mashrif similar to that which occurs in the evidence of the earlier transaction. It is to be accounted for in the same way. Kázi Abbás shrunk from admitting that he had received the money into his own hands. Phadke and Bháu Mashrif both say it was paid in this way. There was no reference to the payment in Phadke's conversation with Mr. Crawford, but then he saw Kázi Abbás hand over the packet of notes for Rs. 1,500 at the close of the interview. If this story be true, it convicts Mr. Crawford of the direct acceptance of a bribe. Phadke was a man of previously good character. His over-zeal going to the verge even of oppression when he prevented village officers from drawing their emoluments until particular work was done affords no indication of a baseness likely to take the form of perjury and false imputation of a criminal offence. It cannot on the evidence as it stands be said that the charges against Mr. Crawford in Phadke's case are established beyond reasonable doubt, but the probabilities in favour of the truth of the charges are so much greater than those against it that the case must, on the whole, weigh heavily against Mr. Crawford's character.

94. The case of Dáji and Govind Pátils is one of a simple character, resting chiefly on their own oral statements. They say that having claims on a Pátil's watan at Válva in the Sátára District they visited Poona and put themselves into communication with Kázi Abbás. He, on their subsequent visit to Poona in June 1888, took them to Mr. Crawford, who told them to do what Kázi Abbás should direct. It was then agreed between Kázi Abbás and the Pátils that Dáji and Govind should each pay Rs. 500 to Mr. Crawford and Rs. 100 to Kázi Abbás. They were afterwards taken to Mr. Crawford's house, where each paid Rs. 400. Dáji laid down a bag containing Rs. 400 in silver. Govind laid down Rs. 100 in silver, and gave Rs. 300 in notes into the hand of Kázi Abbás. Mr. Crawford was suspended in the following month, and nothing had in the meantime been done upon the petitions and representations of Dáji and Govind.

95. Of this case the Commissioners say: "We do not think it necessary to analyse "this evidence at length. The contradictions and improbabilities apparent on the face "of it deprive it of any title to credibility." There are some improbabilities, as, for instance, that Dáji and Govind having agreed to pay Rs. 500 each to Mr. Crawford should have paid in fact but Rs. 400 and having agreed to pay Kázi Abbás Rs. 100 each should have paid but Rs. 50 each. It may even be considered improbable that Mr. Crawford should have allowed the money to be handed to him in so open and ostentatious a way. This last improbability however is greatly diminished if only some of the other accusations are true. Shame dies away very rapidly in the indulgence of evil courses. Mr. Crawford's circumstances in June 1888 were so desperate that he may be supposed to have been glad to get any sum of money whatever, and until the Pátil watan had been finally disposed of he was master of the situation and could insist on payment of the odd Rs. 100. So could Kázi Abbás insist on payment of the Rs. 50 promised to him.

96. There are some discrepancies in the accounts given by the witnesses of the details of their visits to Mr. Crawford. Dáji and Govind say that on the last occasion Dáda Jádhav and Bábáji Makdum accompanied them and Kázi in the carriage to Mr. Crawford's house and there remained outside in the carriage while the others went in. This is confirmed by Dáda Jádhav and Bádáji Makdum, but Kázi Abbás does not remember that any one accompanied him and the Pátils.

Again Dáji and Kázi Abbás say that Dáji laid down a bag containing Rs. 400, while Govind after describing how he himself poured out Rs. 100 says that Dáji also poured out the Rs. 400. He adds however in agreement with Dáji and Abbás that the latter stayed behind and brought away the bag. This was not likely to have occurred if Dáji had really poured out the contents of his bag. He would then naturally have kept the bag.

Such discrepancies as these weaken the case against Mr. Crawford to a sensible extent, but the observation at once occurs that they might readily arise from defective observation or forgetfulness and were not likely to occur in the statements of conspirators leagued to ruin Mr. Crawford. No motive for such a league amongst the five witnesses can be conceived, supposing Mr. Crawford to have been absolutely innocent. The letters JL, JM make it perfectly clear, unless they too were fabricated in anticipation of the inquiry, that a balance remained due by Dáji and Govind for which Kázi Abbás pressed on the ground that the business was not one in which credit transactions (*lev ghev*) were allowable. This agrees entirely with the statements of Dáji and Govind. It being clear, as the Commissioners say, that they paid money to some one, why should they gratuitously implicate Mr. Crawford instead of Kázi Abbás alone, supposing Mr. Crawford were in fact blameless?

When we consider, however, that the Pátils Dáji and Govind, who would naturally be much impressed by Mr. Crawford's personal appearance, entirely misdescribed it before the Commission, it is impossible to say that this case is proved. The point last adverted to, though almost conclusive against a preconcerted and elaborate scheme of subornation in which a study of Mr. Crawford's person would have been a material part, yet shows the deponents to have been either so stupid or so reckless that their statements cannot safely be relied on. It seems quite possible that they have sought to directly implicate Mr. Crawford at the instigation of Kázi Abbás, who thus hoped to escape personal responsibility.

97. If the conclusions suggested by an examination of the evidence in the several cases that have been discussed be reconsidered in the light afforded by a comparison of each with all, they are strengthened almost to demonstration. Defective observation and memory, want of intelligence, pique, or even senseless spite, might in individual instances have given rise to erroneous or wilfully false statements. That errors and falsehoods should thus coincide in wrong indications is inconceivable. Truth is universally self-consistent; error must almost necessarily become apparent when placed in contrast with a great variety of real facts. The test seems unhappily to be fully satisfied in the case of the present inquiry. None of the usual sanctions were wanting to guard the inculpated officer against false statements. Facts undeniable and which could not conceivably have been arranged beforehand, yielded on scrutiny much to confirm, nothing to contradict, the statements of the principal witnesses. There is no counter testimony of any weight bearing on any material issue in the inquiry. The charges must be deemed proved against Mr. Crawford in all those instances in which such a result has been arrived at in the foregoing discussion of the individual cases. The consequence must be his removal from office. His retention as a member of Her Majesty's Covenanted Civil Service is a question for disposal by Her Majesty's Secretary of State for India in Council.

98. It must be regarded as a misfortune that the Commissioners should on the principal points placed before them for investigation have arrived at opinions which appear to be erroneous. Their concurrence in what appears the right decision would have afforded a moral support to Government, which would be of inestimable value in a case like the present. Of this support Government is deprived, but it is not, therefore, freed from the obligation of dealing with the accusations and the evidence according to its own judgment. For the exercise of this judgment the Commissioners have, in their proceedings, collected the most valuable materials—materials on which a decision may be founded with as much confidence as it is right to feel in any process of ordinary human thought. The different views taken by the Commissioners are in a measure accounted for by the defect of their method and standards as already indicated, but they seem to have laboured under additional difficulties through their ignorance of the administrative system of Bombay and their unacquaintance with the type of character common to most of the principal witnesses. Nervous, acute, and almost preternaturally apprehensive of danger and disgrace, the official Bráhman of this Presidency, though a first-rate public servant, usually makes a bad witness. His hesitation and apparent fencing with questions arise from a morbid prevision of traps and snares; they are frequently taken for indications of bad faith, and create an evil

impression on those whose liberality has not been enlarged by experience. Of errors arising from this source the report bears traces which it would be ungracious to dwell upon, but which must prevent its having the weight through the personal authority of the Commissioners which would otherwise be due to it. So it has been treated in the foregoing observations—as a clear and able but too narrow and technical a treatment of its subject, as suggestive and valuable in its particular indications, but by no means sufficiently grounded in its definitive conclusions. These seem to rest indeed on principles, the general adoption of which would make convictions in the case of great official delinquents, if not of all delinquents, almost hopeless, and must, if only on that account, be rejected as a basis for action on the part of Government. A clearer and fuller light being attainable must be made use of, and in these observations recourse has been had to it.

99. A general review of the evidence in this case brings out with startling clearness how a single perverse influence can clog and vitiate the whole working of the Administration throughout a considerable part of the Presidency. The peculiar character of the Bráhman officials, astute, timid, ambitious, and yet unenterprising, appears to have allied itself with the energetic and dominating personality of the Commissioner in the establishment of an almost universal moral collapse, in which courage and a high sense of honour having been stifled, corruption was accepted as a factor of the system, as an ordinary and necessary incident of everyday official life. Such "open secrets" are known to have existed in India before and sometimes with calamitous consequences. On the present occasion a dumb helplessness seems to have pervaded the official class. A sense of the inevitable necessity of buying favours caused many to come forward with money who were quite free from corrupt inclinations. There ought to have been protests, resistance, denunciations; but the system having once grown up—possibly out of a comparatively innocent practice of taking small temporary loans—individuals felt themselves powerless in presence of it, and tried to profit by it so far as they could. There is thus no more than a shade of moral distinction between those who offered to pay and those who consented to pay. Both classes alike acted under a sense of necessity and compulsion, a state of paralysis of public spirit, discreditable in a high degree to the class, but greatly palliating the weakness of individuals. With this state of feeling Government had to deal as doubt grew to suspicion and suspicion to belief of the wide-spread mischief that prevailed. The same type of native character which had favoured the growth of the evil made it most difficult to procure the definite evidence of specific cases of misconduct on which alone the Government could safely act. Corruption is in its nature a secret offence. Both parties are interested in concealing it. When it takes on the form of extortion by a powerful man, submitted to reluctantly by a mass of weak men, it is of infinite importance that the great and audacious offender should be reached, as from him a demoralising influence continually radiates throughout the whole system of which he is the centre. The subordinates who yield through mere weakness will reform and perhaps grow robust under happier influences. They may be essentially honest and well-meaning, although taking too readily the colour and temperature of the medium in which they are immersed. The Bombay Government took this view of the character of the native officials who had lent or given money as it was alleged to Mr. Crawford. Without their evidence it would be impossible to arrive at the truth, and they were in many instances offered an indemnity on condition of a full disclosure. The Commissioners have thought that this indemnity weakened their testimony, and they have in many instances arrived at conclusions which imply a preference of Mr. Crawford's denial to that testimony. It would be wrong to infer the falsehood of the witnesses from this. Some preference of evidence is almost inevitable in every contested case, and here there does not seem to be any good ground for concluding that the witnesses have forfeited their indemnity by wilful falsehood or concealment. In particular instances which may require a more exact inquiry there may have been a failure in frankness, but the evidence appears generally to have been perfectly sincere. It has agreed remarkably with indisputable material facts. The pledges of the Government to these witnesses must, therefore, be scrupulously fulfilled. There will be no danger to the public welfare arising from this course; there would be infinite danger and disgrace in any other. Public morality is, in fact, under a great obligation to these men, who, in the face of obloquy, personal danger, and humiliation, have aided in unveiling a nefarious and destructive system of corruption. That they are affected with the inherent frailties of the native character is undeniable. So, too, would be any native officials by whom it would be possible to replace them, and we cannot govern India without Indian agency. That they have been peculiarly depraved or unconscientious is on the whole almost the opposite of the truth. There

is no ground, therefore, of justice or policy on which they should be made to suffer for the service they have rendered. They have learned much from experience, and there is every reason for maintaining them in the positions they occupy.

100. The thanks of Government are due to Mr. Ommanney, C.S., the Inspector-General of Police, to Mr. Baines, C.S., Mr. Kennedy and the junior officers who worked under them, for the zeal, assiduity, and intelligence with which they discharged the repulsive duties imposed on them in preparing the materials for this inquiry.

RAYMOND WEST.

Enclosure No. 3. to No. 5.

THE ADVOCATE-GENERAL'S REPLY FOR THE PROSECUTION.

SATURDAY, JANUARY 12TH, 1889.

The Advocate-General then rose to deliver his reply on behalf of the prosecution. He said:—It now devolves on me to enter on the last stage in this case, and that is to reply on behalf of the Government in this prosecution. I quite agree with my learned friend as to the enormous difficulty that must be felt by counsel in summing up a case of such a voluminous nature as this. My friend has felt the difficulty; and I, who have even more materials to deal with than were before him, must, of course, feel that difficulty in a still greater degree. Like my learned friend, I rely on the careful study which, I feel sure, the Commissioners will give to the evidence before them to supply such defects as there may be in my summing up. I feel that it is almost impossible to go through this case without omissions and shortcomings on my part; and I trust that the Commissioners will not, because I happen to pass over points which may strike them as important, attribute it to any intentional omission on my part. I may say here that I myself feel, as must be felt by those who represent the Government of Bombay in this case, the exceedingly painful nature of the inquiry, and the exceedingly painful nature of the duty which now devolves on me. It is a far more distressing thing to have to appear for the prosecution in a case of this sort than to represent the defence; and the duty involves, perhaps, an even heavier responsibility than what falls to the lot of counsel for the defence. Still that duty must be performed; and I have now to point out to your Lordships how the evidence which is before the Commission bears against Mr. Crawford. I quite agree with what has fallen from the Commission that this case will have to be decided on the evidence relating to the particular issues before them, and that what I may call the general presumptions which surround those issues are comparatively of little importance. Although I do not regard the general evidence as unimportant, yet I may say I have always treated it as holding a very secondary position. For instance, with regard to irregularities in appointments, I have already stated to the Commission that these were matters which might be accounted for by the particular character of the officer making them, and that from these appointments alone no suspicion of guilt could be deduced. Although my learned friend has, I think by a slip of memory, put into my mouth quite a different suggestion, this is my impression of what I said, and this is what I most certainly intended to convey. The way in which I would put the matter is this. When we find any such irregularity, it must be treated as a matter which suggests inquiry; but it does not supply the place of proof. To follow the line of argument employed by my learned friend, I will first say a few words with regard to his complaint that the Government did not give full information to Mr. Crawford.

The President:—It has very little to do with this matter.

The Advocate-General:—It is rather an attack upon Government. But as it has little to do with this matter, I shall be very brief on the point. I may possibly be prejudiced in the matter one way, as my learned friend may be prejudiced in another. But this I can fairly say that the information given by the Government to Mr. Crawford was singularly full, and they had put him in full possession of all the materials that might assist him in preparing for the defence. In fact, the Act itself sedulously provides for the interests of those against whom an inquiry of this sort has been instituted. The Act provides for a full previous notice to the officer who is on his trial, and it is a very long notice indeed. Then again no evidence can be produced by the prosecution after the commencement of the trial without the special permission of the Court, and the Commissioners have in this case felt it their duty to refuse it in some instances; whereas the defence is under no such restriction at all, but can produce their

evidence at a moment's notice. Not only that, but Mr. Little, in a letter to the defence, had stated what the evidence was likely to be by which the charges were to be supported. When all these things are borne in mind, I do not think it possible for any one to frame any charge of unfair dealing against the Government of Bombay in connection with this matter. Then as to the lists which have been prepared on the general question of irregularity, we are told that Government have prepared and produced lists of a misleading character, and that the officers engaged in preparing those lists are charged with reckless falsehood. As a matter of fact, no persons have used those lists and relied on them more confidently than the defence themselves. The list (marked A-A) is perfectly good and trustworthy; but I find fault as much as any one with the inferences drawn from it by Pendse, and no one has so much right to complain of those inferences as the Government. Pendse was, no doubt, an opinionated witness. He has the intellectual defect of drawing deductions from very narrow grounds. You had before you a man of that intellectual defect; but he was, nevertheless, a man who completely believed in what he was saying; and, therefore, it was not correct to talk about any intention to mislead. It was contended with regard to one of these lists that it was made to exaggerate the irregularity of Dabir's appointment. But that was the very list which was used before Mr. Vidal, a civilian of great experience, and more familiar than probably any of us here with the mode of making these appointments.

The Hon. Mr. Quinton:—But Mr. Vidal himself never appointed a mamlatdar, I suppose?

The Advocate-General:—He did not; but he is perfectly familiar with the appointment and work of mamlatdars. What I say is this—that long before the list A-A was prepared, Mr. Vidal had before him the list I am speaking of, B-D, which was a statement showing the persons by whom Pendse considered that Dabir had been superseded. My learned friend says, if you look at the list it shows a number of persons put in by whom it was quite impossible, from the circumstances, that Dabir can be considered as in any way to be superseded.

The President:—I object to the last part of the list, and my objection is not based solely upon Dabir's case. It is certain that the list was meant to show the most eccentric irregularities about all the acting appointments.

The Advocate-General:—But Dabir's is the case in connection with which it was produced. As to the first part, I apprehend that it is perfectly good. There is not a fault to be found down to number 40. As I have said, I do not wish to say much about the irregularity of these appointments. I do not say that on this ground you will find Mr. Crawford guilty, but you will find that all the points raised upon Mr. Robertson's earlier appointment relate to a time when the new system was not in working order. For four years before Mr. Robertson made over charge there was only one appointment not in regular order. There was not a case of irregularity since 1882. Referring especially to Dadaji Sakharam's case, he got the first appointment on having satisfied Mr. Robertson of his capabilities. That was shown by Exhibits A-O and 61 taken together. In A-O you find that on the 21st of June 1882 Mr. Robertson wrote, acknowledging the Collector's letter of recommendation, and requesting him to inform the applicant, Dadaji Sakharam, that he had not served for six months as a head karkun or for three years in a qualifying appointment, and, therefore, he should not expect to obtain a mamlat till he had established a claim to that appointment. Then when you look at Exhibit 61 you find Mr. Ramsay, the then Collector of Nasik, in report of 31st March 1883, saying Dadajee had served as head karkun for six months as required by the Commissioner, C. D. You find he gets his *sub pro tem.* May 1883, the vacancy occurring then. But I do not wish to dilate on this, and, as I said, I agree that the main question in this case must be on the evidence in the particular cases. I would not say on each case taken singly.

The President here remarked this might be a favourable opportunity to adjourn, and the Commission accordingly adjourned till Monday at eleven.

Mr. Latham's Reply.

Poona, January 14.

When the Commission met again to-day, the Hon. Mr. Latham, Advocate-General, resumed his reply on the whole case. He said:—I now propose to consider the individual charges and how the evidence on each of those charges bears against Mr. Crawford. Taking first the case of Sindekar, I am reminded of a remark made by my learned friend that, inasmuch as Mr. Crawford's appointments were remarkably

regular, those witnesses must have come here to tell a false story who said that there was an unusual number of supersessions in his time. I have already challenged the fact from which that inference is drawn. I now challenge the inference itself; and I say that whether the mamlatdars were right or wrong in that opinion, it is absolutely certain that some of them did entertain it. We have not merely in this place the statements of the persons who held that opinion, but we have also the petitions of three of the mamlatdars in respect of whom the charges are brought here. Surely, it cannot be supposed that those petitions were submitted for the sake of supporting a case that was to be brought months or years after they had been submitted. The three mamlatdars, who made the petitions, were Sindekar, Phadke, and Chowbal; and when three of the mamlatdars actually put on record what their opinion was with regard to the appointments, you may be pretty sure that such opinion was generally prevalent.

Sindekar's Case.

Now, turning to Sindekar's case, I may say with confidence that that case, up to a certain point, is as clear as any we ever come across in a court of justice. There is no doubt whatever as to his payment of money to Hanmantrao. In fact, my learned friend, in dealing with this case, has done little more than merely cavil at a bit of evidence here and there, but has not ventured to condemn the case as a whole. Now look at that case and see how it works out. I shall not touch those earlier petitions, of which your Lordships have heard enough, and with which you are all familiar. There is only one thing that I would remark, and that is the one favour which Sindekar received after his transfer to Indapore. And that was his transfer from Peint to Chandore.

The President:—At the request of the Collector?

The Advocate-General:—Exactly. The Acting Collector had put in a strong remonstrance against the man who was in Chandore already. There was the transfer to Jowlee; but I do not wish to trouble the Court about that. There were certain reasons given for those transfers, although it was a long time before the communication from Mr. Grant was acted on, and I can hardly think that Sathe's recommendation would at that time have had very much weight with Mr. Crawford. You have one curious circumstance in connection with Sindekar's petition—namely, the letter of Khimji Jeewa to Mr. Crawford. It seems to me something very extraordinary that Khimji should take upon himself to communicate with Mr. Crawford on the transfer of a mamlatdar.

[Here Mr. Latham read a letter from Mr. Crawford to Mr. Woodward and the latter's reply.]

There is no doubt that Mr. Woodward had himself agreed to the removal of Sindekar from Chandore. At the same time, I think we may say that Mr. Crawford must be labouring under an entire mistake when he spoke of complaints having been made against Sindekar regarding over-collections. In this connection, we must remember Mr. Woodward's letter written just a fortnight afterwards, in which he speaks in high terms of Sindekar, and makes no mention whatever of the alleged charge of over-collections. In that letter Mr. Woodward expresses a hope that Sindekar, who stood at the head of the list of *sub pro tem.* mamlatdars, and was serving in that capacity since 1884, may be shortly confirmed as mamlatdar. It is impossible to conceive that that letter should be written regarding a man against whom there was any suspicion of over-collections. There was some complaint of that sort against Vinze, and probably Mr. Crawford transferred the impression he may have had in his mind to Sindekar. It is quite clear that there was nothing against Sindekar himself at that time, and the explanation which I offer as to the charge of over-collection made by Mr. Crawford against Sindekar—I do not put it forward as anything more than a mere suggestion on my part—is that he was confounding Sindekar with another person. Now we come to what Sindekar did. He had felt aggrieved as far back as 1886, when he sent in his petition. I submit that his purchase of those hoondees is most satisfactorily proved. You have the original hoondees on record; you have his evidence on that point; you have the evidence of the men who sold them; and you have the evidence of the repayment at a future time.

The President:—As regards those hoondees I think I ought to say plainly that to my mind they do not confirm. . . . . because I do not think anything is confirmatory, which is not more consistent with the case of the witness's story than with any other hypothesis. The man was under orders to leave Chandore, but at the same time, he was anxious to get those orders cancelled. When he had to go, he took

the hoondees for Rs. 700 and Rs. 300 respectively, and can anything be more natural than that when he had got his transfer cancelled, he should again cash the hoondees? Is not this just as good an explanation of the transaction as the other?

The Advocate-General:—I hardly think it is so consistent?

The President:—It is precisely what a mamlatdar would do. If a man is ordered to proceed to another place, is not that the most convenient form in which to invest the money?

The Advocate-General:—How much more convenient it would be to have the Savings Bank deposit transferred?

The President:—We know that mamlatdars are very fond of transferring money by hoondees.

The Advocate-General:—It may be so, but generally I should think the transfer of the Savings Bank deposit would be regarded as the most convenient form.

The President:—That is one form of transfer.

The Advocate-General:—And the money in that case does not lose interest.

The President:—But the method he adopted is equally obvious.

The Advocate-General:—No, I do not think so. You do not find a man taking a hoondee, unless there is a wish to cash the money. You will remember that the history of the hoondees fits in with the immediate return of that amount through the post. Taking the whole story together, it shows that the hoondees were not taken for the purpose suggested by your Lordship. Directly after the hoondees are returned, you find the money transmitted in another manner. That shows that the hoondees could not have been taken for the purpose of a mere transfer, which was not carried out. That the hoondees were taken I do not think the Court can have any doubt. Then you find the brother coming to Poona. Your Lordships are asked by my learned friend to reject that part of the evidence on a most extraordinary ground—namely, that because Narayen was an undivided brother of Balkrishna, therefore his evidence was to be discredited. It may be a ground for scrutinizing the man's evidence more carefully than that of an outsider, but certainly it is not a ground for rejecting it altogether. Then you find every step in the story is corroborated as we go on. You find the purchase of the hoondees proved. Then there is Sindekar's visit to his brother Narayen at Manmad. That visit, of course, depends on his own evidence and that of his brother. But Narayen's journey to Poona is corroborated at every step. He sees Agashe, Pitambar Joshi, and Kuntekar, and Kuntekar is present with him at Hanmantrao's house. During that time, Balkrishna Sindekar visits the Collector at Egatpuri, and then meets his brother at Nasik Road. The presence of the brother at Nasik Road is corroborated by an absolute outsider, the police constable who travelled with him, and by Ganesh Sindekar with whom he stopped as a member of the family. Then you have the journey back to Poona, and the receipt of some more money from the brother employed at Barsi Road. Next we come to the 10th, and we have Kuntekar again as the man with whom Balkrishna put up. Again the account of the visit to Hanmantrao on the morning of Sunday is corroborated by the evidence of Kuntekar and Pitambar Joshi, and further by persons to whom it was reported at the time. The settlement at the time with Hanmantrao was that he should receive Rs. 2,000 to get the transfer cancelled. I admit, although it would be a very dangerous possibility for the defence to admit, the possibility of Hanmantrao carrying on a grand system of imposture. It is admitted that the connection of Hanmantrao with Mr. Crawford was that of a money-broker. It can be imagined that, when a person is employed in such a capacity, the matter does not remain a secret. I have no doubt that the matter was really blazoned abroad; and the suggestion made by the defence is that Hanmantrao took advantage of that known position of his to practice a vast system of imposture, and raise money from mamlatdars, professing that he had influence, which really he had not. But, as we go through the cases, we plainly see what inference is to be drawn from the evidence as to his real connection with Mr. Crawford. Then comes the question of the visit to the Kirkee bungalow, and here we come really to the first conflict of evidence in this case. If you are of opinion that the man invented the story, it shakes the credibility of his evidence generally. If, on the other hand, you disbelieve Mr. Crawford's version of it, then Mr. Crawford's evidence is shaken. The first thing that suggests itself to me for remark in this case is that if Sindekar came here to tell a false story, it is extraordinary that he should modify it in the way he has done. If he came here to tell a false story against Mr. Crawford, he could hardly do so, except as the agent of a conspiracy.

The Hon. Mr. Quinton:—You mentioned that point in your opening speech, not only as regards Sindekar, but as regards all the other cases generally.

The Advocate-General:—Yes. But I think that remark applies with special force to Sindekar. If he came here to support the hostile plans which, for some reason or other, certain persons are supposed to entertain against Mr. Crawford, and to tell a false story against Mr. Crawford, he would not certainly have been so very moderate in his statements. There is no doubt, and it is admitted, that he saw Mr. Crawford. But I think the moderation of the man is extraordinary on the supposition that he is not speaking the truth. If he wished to damage Mr. Crawford, what he would have said in his evidence would be that the matter of the payment of the money had been mentioned at the time when he saw Mr. Crawford. But all he says regarding that interview is that he went with Hanmantrao to the Saheb's bungalow, that the Saheb came out and asked him how long he had been a mamlatdar; that he told him that he had been a mamlatdar since 1883; and that the Saheb then said, "I will do all I can for you."

The President:—While on this point, I will tell you what occurred to our minds. It seems to us that there are some reasons to think that when charges were first being made and inquiries instituted by certain persons, it was known that the inquiry was not for Hanmantrao alone, and that one of the active persons in giving a start to the charges was Sathe.

The Advocate-General:—In that your Lordship is under a complete misapprehension.

The President:—I think it is in evidence.

The Advocate-General:—Sathe is not the man who started the inquiry.

The President:—It appears to our minds that there are strong reasons for thinking that some of those who first originated the complaints. . . . . The first cases that we know were brought forward were those of Sindekar, Dabir, Vinze, and Phadke.

The Advocate-General:—Two of those do not go home to Mr. Crawford, and two do. One of the four does not touch Hanmantrao at all.

The President:—No, it does not.

The Advocate-General:—At any rate there you have it that Sindekar does not carry his case further against Mr. Crawford, and he puts no words in the mouth of any of the witnesses at that interview to show that Mr. Crawford had a guilty knowledge of what was going to be done. Mr. Crawford admits that he saw Sindekar on the 11th, and he carried the case really more home than Sindekar himself did. He says that he gave the petition with his remark on it to be given to Pendse. That would be a much more plausible story for Sindekar to have told than the one which he actually told—namely, that he never presented a petition to Mr. Crawford at all, but left it with Hanmantrao. Then there was the evidence of the persons to whom Sindekar had made the statement regarding his interwiew with Mr. Crawford. I did not rely on it so much as on direct evidence, and admitting the honesty of the persons, it is possible—we know it from experience—to misplace the time when such a thing was said.

The President:—On an essential point the two witnesses, Pendse and Kharkhar, contradict one another.

The Advocate-General:—No, they do not. Kharkhar comes in later.

The President:—It is stated that he mentioned his visit to Mr. Crawford to Kharkhar, so that practically it is not through oversight that he omits to mention it.

The Advocate-General:—Well, then, it is suggested that that interview was an impossibility. As to that I admit the evidence called for the defence does not prove the interview, but it proves the opportunity for the interview. The objections taken by my learned friend were on the ground of Sindekar's account of the locality. Now, that I submit is a mistake of my learned friend, and no error of Sindekar's. What Sindekar said was that entering the compound the bungalow was on his right hand. That, said my learned friend, was the gate nearest to Poona or nearest to Sungaum. I do not think, my Lord, you have seen the bungalow yourself. I know it is a different thing looking at the plans from looking at the ground; and I hope if the Commission have not seen the bungalow, they will take an opportunity of doing so. For before I saw the place I felt myself a difficulty in understanding the evidence on that point. The fact is that if you go in by the gate nearest the Sungaum the bungalow is on your left hand. Going in by the other gate, the bungalow is on your right. You have only to go in at that gate and you will find the exact place mentioned by Sindekar. He was sitting close to the stables on a broken box, which is naturally not there now; but the very place at the very distance he mentions is there, far away from the house and far away from any company that may have been there. Of course the exact hour at which Sindekar was there cannot be given as he

had no watch. Neither can Mr. Reinold give the exact hour at which the other guests left. You find that on this Sunday evening Mr. Crawford had his usual party, and we have Mr. Reinold's evidence on the point. Of course his evidence does not prove that there was no interview between Mr. Crawford and Hanmantrao, but it proves that there was an opportunity for an interview. If this was an invented story it would be got up by some one familiar with Mr. Crawford's habits, and it is not likely that he would choose this particular evening, as he would run the risk of Mr. Crawford having been in the company of some one all the evening. You have the evidence of Mr. Reinold as to what was done after the other guests left. The Advocate-General then read evidence beginning "the other guests went away close upon eight o'clock, about ten minutes elapsed. I was the only guest at dinner. The other guests went away close upon eight o'clock. Immediately after they had gone he and I went into the bungalow. Mr. Crawford asked me if I would like to wash my hands. I said yes, and he showed me into a small dressing room. I was only in the room three or four minutes. I then went into the drawing room. Mr. Crawford rejoined me there after a few minutes." Well, you know where the dressing room was, and it is quite clear Mr. Crawford was at such a distance from Mr. Reinold it required the voice to be raised before it could reach him "While in the room I think I answered him," said Mr. Reinold. But that is only an expression by Mr. Reinold. We have it, that it required an exertion of voice to hear each other, (reads) "I think answered him in the same loud voice. That is my strong impression." Well it happens they were washing their hands and Mr. Crawford remained in the room a few minutes after Mr. Reinold. Very few words passed between Sindekar and Crawford, and there was ample opportunity for that interview taking place. My learned friend fell into an error in saying twenty minutes were occupied in that interview. What if Hanmantrao had been passing half an hour or three-quarters there? He was simply waiting. I do not think, however, much could follow from these specifications of time. I submit that the very fact of this evening having been chosen it is most improbable the story is a fabrication against Mr. Crawford.

The President:—Would it be impossible for any one who did not know anything about the house to fabricate the story?

The Advocate-General:—Yes, no one else could have got it up. It must have been devised by some one familiar with Mr. Crawford's habits.

The President:—The difficulty is that Hanmantrao, who certainly did know something about Mr. Crawford's habits should have chosen this evening, when he knew there would be a lot of people there, to bring a mamlatdar.

The Advocate-General:—But then you see Hanmantrao was a frequent visitor and he knew they would not remain to dinner. Mr. Reinold is the only person who stays to dinner.

The President:—But the place where Sindekar was put by Hanmantrao was the spot just where the carriages would pass.

The Advocate-General:—Mr. Reinold says it became dark as the carriages came up to the bungalow.

The President:—They were all coming up one by one.

The Advocate-General:—It was dark when the guests went away according to Sindekar. In fact, it got dark as they came up, and they would all draw up by the porch. Then the distance is much longer than you usually find in Indian bungalows—about here at any rate.

The President:—About 50 or 60 yards judging from the scale.

The Advocate-General:—It will be more than that. It is about 200 yards, my lord. The scale is 50 yards to the inch.

The President:—I have not got a rule, but I think it will possibly be 100 yards.

The Advocate-General:—(Measuring.) As near as we can measure it, it will be over 200 yards. After a pause, the Advocate-General resuming his address said:—This visit I think is a strong point in the case. It would have suited Sindekar better to have chosen another day, had he wanted to make a case. Then you have the evidence of his late return that night, which fits in precisely with that evening visit. There were two people—Kumtekar and Agashe—who saw him on that return. Then, of course, you have the despatch of these telegrams the next day to cancel the transfer.

The President:—I do not see anything in it.

The Advocate-General:—The ground is a very slight one.

The President:—It is a ground that is regarded as quite sufficient in numerous other cases. There are other instances in which Mr. Crawford cancels the transfers of other people for exactly the same reasons.

The Advocate-General :—But see what a particularly weak case this is. The reason given is that his wife was confined a month before. Surely that was not a sufficient reason for cancelling the transfer without any inquiry being made into it, particularly as Mr. Crawford suspected this man of extorting money.

The President:—If you look through the Exhibits you will find many other instances. This is a common ground for having a transfer cancelled.

The Advocate-General :—It seems to me a totally inadequate one, and when taken in connection with Mr. Crawford's suspicion of the man there certainly seems something wrong about it. Then, of course, we have the receipt on the 11th of the additional Rs. 500. That I think was satisfactorily proved, the raising of the money at Barsi Road, its despatch to Poona, and its being brought to Kumtekar's house by the same two men who brought it from Barsi Road. I think you have no reason to doubt the receipt of that Rs. 500, and then you have the money paid to Hanmantrao that night at Poona. And I may also remark as to that Rs. 500, although it was not drawn from the Savings Bank at the time, yet the money was repaid to the lender from monies drawn from the Savings Bank on the 13th of June. Then the man gets back to Chandore, and what is the first thing he did at Chandore? For whatever purpose these hoondies had been drawn, he returns them, and despatches the two notes on Rs. 500 to Kumtekar; and that is proved by the Post Office documents at the Chandore and Poona Post Offices.

The President :—It may be clear about the raising of the money; but the payment of it to Hanmantrao only rests on the word of Yadavrao. If the matter had been prearranged it would not have been done better, and you know perfectly well that all this took place at the time the inquiries were being made and with the full knowledge of Pendse. What is there to show that the notes went into Yadavrao's hands, and did not come back to Sindekar, except the word of Yadavrao?

The Advocate-General :—It would be a most extraordinary thing to hit upon a man like Sindekar to lend himself to such a conspiracy. He is not a Poona man. He could not benefit by it in any way.

The President :—But he puts himself absolutely in their power, and owns absolutely whatever they tell him. Whatever he had done he was absolutely and entirely in Pendse's power.

The Advocate-General :—If you open up a field for conspiracy you must put Kuntekar in it.

The President: And a very likely person he is for it. Did he not say himself he was perfectly willing to lend himself to any corruption whatever.

The Advocate-General :—He had paid this money before.

The President (interrupting) :—That is his own story. He is perfectly willing without a moment's hesitation to lend himself to corruption.

The Advocate-General :—Well if you look at it in that light, no doubt the same system of corruption is too familiar to them all. I do not think you have put him on a right footing. Of course, if you suppose there was a conspiracy in pre-arranged evidence, you will have to implicate Yadavrao, Pendse, and Sathe.

The President :—You must remember these persons were employed getting up the cases.

The Advocate-General :—Well such a thing never struck me. Then the question arises if it is a conspiracy against Hanmantrao, the first thing to do is to call Hanmantrao. I can quite imagine Hanmantrao is not a witness whom the defence would like to be subjected to cross-examination.

The President :—I never heard of such a thing in my life. That could never be done.

The Advocate-General :—The only chance Hanmantrao could have of establishing his own innocence would be to establish Mr. Crawford's. Certainly he is a man against whom Government has done its very worst. He was prosecuted to a conviction, under which he is now suffering the penalty. I suppose there is no case in all the world which you cannot explain by supposing every witness engaged in a conspiracy. The question is, is it a probable thing? If you put Sindekar in the hands of those getting up the case, you must admit half the case to be true. Then it seems to me strange to suggest any reason why you should draw the line between the first half and the second; why the first half of his evidence should be true, and the second half a concoction of a most criminal nature. Yadavrao Sathe was not the first man to whom the note was endorsed. It was first endorsed to another man against whom nothing has been suggested.

The President :—He is not called.

The Advocate-General :—No ; but nothing has been suggested against him. If the object is to get it into the hands of some man connected with the conspiracy, the endorsement to Gopal Wagle would certainly be a step in the opposite direction. That is what I have to say in this case ; and I submit it is really only by conjectures, if I might so call them, of the most farfetched order, that one can say that that case is really not a conclusive case, so far as Hanmantrao is concerned. If the whole evidence in this case is got up by conspiracy against Mr. Crawford, why does it not tell more strongly against him? If Sindekar was willing to lend himself to a concocted story of that kind, why did he not carry it a little further and say the bribe to be paid was mentioned in Mr. Crawford's presence. I admit that, taking this case by itself, it leaves a gap, which you have to supply from the inferences that are to be drawn from the orders issued from the Commissioner's office, and from evidence of the relations existing between Hanmantrao and Mr. Crawford. There are two witnesses to whom, perhaps, I should allude here specially, on the question of the relation of Hanmantrao with Mr. Crawford. Although they are witnesses of no high character in themselves, their evidence is very important. One of them is Pitamber Joshi. He, I think, is a very important witness, because there can be little doubt that he was spirited away from Poona by Hanmantrao during the progress of his case.

The President :—That is not Pitamber's own account. He said that he went away in obedience to his father's advice.

The Advocate-General :—But Hanmantrao was at the railway station to see him off.

The President :—It appears that his father wanted to take him off from Hanmantrao's hands.

The Advocate-General :—But he went away with the full cognizance of Hanmantrao, who went to see him off at the station ; and there is no doubt that originally it was intended to call him as a witness on Hanmantrao's behalf.

The President :—I rather demur to your statement that Hanmantrao had spirited him away. His story seems to be exactly the reverse, and that was that Pitamber was kept here to assist him, but that his father came here and took him away with him.

The Advocate-General :—Yes, but what inference would you draw from the fact that a man, who had summoned him as a witness, should himself see him off at the railway station? From the facts I ask your Lordships to draw the inference that Hanmantrao, to say the least of it, was perfectly willing that Pitamber should leave, though he had originally given in his name as a witness. The evidence which he subsequently gave was absolutely fatal as regards Hanmantrao. He speaks to the constant visits paid by mamlatdars to Hanmantrao at his house, including that gentleman Kalavde, of whom I shall have something to say further on in connection with another case. Pitamber also speaks to the actual payment of money to Hanmantrao. He does not pledge himself to the exact amount which Sindekar brought with him ; but he does pledge himself with reference to one sum of Rs. 700. Again, the man's moderation vouches for the truth of his statement. He does not profess to have had any conversation with Mr. Crawford implicating him. When this witness was produced, the case was against Mr. Crawford, and not against Hanmantrao, so that if he were produced to give false evidence, the person against whom he would have specially directed it would be Mr. Crawford.

The President :—Could anybody believe that he, a karkoon in the lowest grade, would be entrusted by Mr. Crawford with secrets that would implicate him ?

The Advocate-General :—But he is a man in whom Mr. Crawford took great interest. Though a karkoon in the lower grade, he was a man of a very good social position. At all events, so far as the case against Hanmantrao goes, as to the receipt of money, and as showing the intimate relations between Hanmantrao and Mr. Crawford, which went far beyond those of a mere money-broker. Pitamber's evidence, if accepted, is conclusive. It might be mentioned here that V. G. Deshmuk was recalled by my learned friend to disprove the evidence he had previously given. But the result was rather to confirm the evidence, so far as his means of knowledge went. His evidence as to the general connection between Hanmantrao and Mr. Crawford was put in by the defence, because they thought they were able to contradict it. He said that he had seen three drafts of appointments. He is, I am afraid, one of the men who were tainted in the matter. He says I have said I have seen Hanmantrao prepare drafts of . . appointments and take them to Mr. Crawford for signature. I have seen Bindo Gopal's appointment as Mamlatdar of Sangola, and Ganesh Bullal Mulekar's as Second Grade Mamlatdar and Ramchandra Gopal Mangrulkar a Mamlatdar of Sholapur. He also said, I have seen both the drafts of the appointments mentioned above in Hanmantrao's writing and the copies subsequently made by Mr. Crawford.

The former used not to come to the office, only those written by Mr. Crawford. This is true. Of course, this was done because the defence had at their command the office copies only signed by Mr. Crawford. This man was speaking at the time purely from memory, and yet when we came, after a troublesome search, upon the documents, we found that his memory was right. There was a great difficulty in finding those documents, because they had all been put in by the defence themselves, and so they had got off our files. The matter had escaped my learned friends' notice, who did not know there were such documents in existence.

Dabir's Case.

I now come to Dabir's case. It is one of the two original cases and it differs from others in this, that the charge goes directly home to Mr. Crawford. If the evidence is accepted, it is also peculiar in this, that it is almost the only case in which a man has given a bribe to secure promotion over the heads of his fellows. As for the great majority of the cases here, they are much more cases of levying money.

The President said:—That Sindekar's case was not one of levying money. If his story were to be accepted, he drew his money when he started from Chandore with the full intention of paying a bribe.

The Advocate-General:—In the one case the bribe was given to secure the advancement over his fellows and in the other it was given to get a transfer cancelled.

The President:—I do not see any difference between a bribe paid to get promotion or a bribe paid to get a transfer cancelled. The difference in the Penal Code is between corruption and extortion; between money that is extorted and money that is paid voluntarily.

The Advocate-General:—Quite so; but it has been pointed out that many of the so-called bribes were money that was extorted.

The President:—But there are cases occurring which partake of both characters—corruption and extortion—and it is sometimes very difficult to say which preponderates. But if a man himself conceives the idea of paying a bribe, and then makes a corrupt bargain, that is a voluntary bribe, and that is Sindekar's case. Sindekar himself says that no suggestion had been made to him as to the payment of a bribe. He imagines that corrupt means can be employed, and therefore he goes voluntarily and offers a bribe, according to his own story.

The Advocate-General:—But he might well, for certain reasons, have expected that money would be asked for; and it was, as a matter of fact, asked for. I was going to say that Dabir's case is of a different sort. Dabir is a witness whom, I confess, I liked least of the witnesses who were here. He gave money to obtain advantage over his fellows. Now the question is, did he give the money? And did he give it to be paid to Mr. Crawford? The fact of Dabir having raised money from different sources and the transmission of it to his father-in-law, Sathbhai, is a matter of which there is strong proof indeed.

The President:—Yes; that is the case.

The Advocate-General:—My learned friend imagined a discrepancy between the evidence of Jowarkar and Sathbhai because, while Dabir and Sathbhai say the first interview was before the 22nd of June, Jowarkar says he believes it took place on or after the 22nd June. But Jowarkar's language is very vague. He says he believes the interview was about that time. But it is, after all, quite an immaterial discrepancy. Then there is no doubt that you find Dabir drawing Rs. 700 on the 22nd June from Manik Ratiram, and remitting Rs. 1,000 at the same time to Sathbhai. It is suggested that it was a large sum to be sent by Dabir to his father-in-law, and the explanation given of it by the defence is that it was for the benefit of his sick wife, who died in the course of the next month, on the 14th July. It seems to me an extraordinarily large sum for that purpose, the lady being in her father's house at that time.

The President:—I think the suggestion was that the expenses were partly for the wife's illness and partly for the re-marriage negotiations which were going on almost from the day of the lady's death.

The Advocate-General:—But this money was sent in her lifetime, and I do not think that Sathbhai would be negotiating for the second marriage of his son-in-law before the death of his daughter.

The President:—He commenced the negotiations shortly after his daughter's death.

The Advocate-General :—The fact of the matter was that people came to Sathbhai with offers for the re-marriage of Dabir. They thought that Dabir was an extremely eligible young man, and therefore they came with their offers. Then there is the second borrowing of a thousand rupees, and the transmission of that money by hoondee to Sathbhai. A suggestion was made that that hoondee could not be the same.

The President :—I don't think there is evidence that it was, though it may have been so. There is evidence that the hoondee obtained at Chopda was obtained in the name of Sathbhai. But beyond that there is no evidence to connect it with Sathbhai. Sathbhai is not concerned in these hoondees at Chopda, and he is not connected with the hoondee in any way in Poona. The books show nothing whatever to connect Sathbhai with the transaction.

The Advocate-General :—Well, I should not think myself that Sathbhai was interested in two hoondees of a thousand rupees each.

The President :—You are simply assuming that Sathbhai was interested in the hoondees mentioned in the Poona and Bombay books.

The Advocate-General :—I do not see anything that should lead us to reject his statement that he cashed the hoondee at a particular place, you have the hoondee drawn for Rs. 1,000, and we know that it was drawn on a particular man; and there is the statement that the hoondee was cashed in his favour. It is really immaterial to the prosecution, whether it was that identical hoondee or not. Then you have a further sum of Rs. 1,500 raised by Dabir after his wife's death, from Manek Ratiram, and sent to Sathbhai. It is indeed not suggested by the defence that the various sowcars of Chopda, from whom the money was borrowed, are members of a vast conspiracy. But unless we accept that theory, there is no doubt on the evidence as to the transmission in various ways of the total sum of Rs. 3,500 to Sathbhai in Poona. Then the story of the interviews between Dabir and Hanmantrao rests upon the evidence of Dabir himself and of Sathbhai and Jowarkar. Your lordship on one occasion spoke somewhat depreciatingly of Sathbhai's evidence. But except that Sathbhai had lent himself to this transaction, I submit there is nothing else against him.

The President :—I do not say there is. But his position in this case is that of an active participator in the bribe, and a witness who comes forward and says a thing of that sort is to be received with a certain degree of caution.

The Advocate-General :—Still your lordships must have some regard to the peculiar conditions of the country. We have, no doubt, done our best to raise the standard of Indian morals; but apart from our influence, it is really impossible to judge an Oriental mind that takes part in such a transaction by a very high standard.

The President :—The reason why such evidence is treated with great suspicion is not because the people being of a low moral standard are not likely to tell the truth, but because the witnesses are apt to be swayed by certain fears.

The Advocate-General :—Your lordship is, I think, quite correct in that view; but that does not seem to me to be just the reason that applies here. As a rule, an accomplice is a man against whom the case is clear, and who tries to save himself by implicating some one else. Here, in every case, the evidence is purely self-damaging. Here there is nothing to implicate a man, except his own story. What had Dabir to say? "I considered myself an excellent young man, and thought myself deserving of promotion, and I got it." He had no motive for bringing a false accusation against himself. Now as to the interview at the Kirkee bungalow between Mr. Crawford, Dabir, and Hanmantrao. As to the conversation which took place on that occasion, it rests, of course, on Dabir's evidence alone; and if it is accepted, it shows that the subject of the bribe was mentioned there. This is, no doubt, in some respects a case of considerable intricacy. But it is important to see that this is a case in which the prosecution has always relied strongly in the peculiar circumstances of Dabir's appointments and their impropriety. Now, of course we remember the date of his appointment, and the various exhibits in which they appear. There are three of these exhibits, V, B-D, and B-E. There are two documents in which it is complained that there was first a draft which was afterwards cancelled, and it is admitted on all hands that both V and V-D are in the handwriting of Yadavrao Sathe. There would not be anything wrong in Sathe writing the draft, if told to do so. But he belonged to a department whose ordinary duty was not to write drafts. You have Yadavrao's evidence that both those drafts were written by him at the dictation of Hanmantrao, and that the correction was made, because Hanmantrao remembered,

after they had been written, that Chopda would suit Dabir's wishes better than Bhusawal.

The President:—Dabir has told us his story, and there never was any suggestion that such was his wish.

The Advocate-General:—Quite so; but from his conversation with Hanmantrao, the latter would know that at the time when be paid the money, he was at Chopda.

The President:—The evidence is quite clear that there was no one in the office at the time who knew that Dabir was at Chopda.

The Advocate-General:—There is evidence that Hanmantrao knew he was at Chopda. Hanmantrao asked Jowarkar where Dabir was, and he told him he was Aval Karkoon at Chopda. It is very puzzling to one's mind how the office could work without anybody in it knowing where the Aval Karkoons were.

The Hon. Mr. Quinton:—The Commissioners have nothing to do with where the Aval Karkoons are.

The Advocate-General:—At the same time, I must say there is a Government rule that the Commissioner ought always to be consulted in those appointments. That does not seem to be always done, but there is no doubt it ought to be. Here, at any rate, it was known to Hanmantrao where Dabir was. Then you get this very peculiar set of endorsements. First of all you have it that Dabir was sent to act as Mamlatdar at Bhusawal. That was scratched out and B-D was substituted, the two together making the complete B-E (reads) "During the absence of Rao Saheb Wasudeo Ramchandra Patwardhan as Daftardar to the Collector of Khandesh, the following appointments are ordered:—Rao Saheb Wasudhev Pandurang, late L. C. E., Mamlatdar of Chopda to do duty at Bhusawal. Azam Balwant Narayan Dabir, B. A. (H.S.), Head Karkoon in Khandesh to act as Mamlatdar of Chopda in Khandesh." That story of Yadavrao Sathe, whether it be true or not is a perfectly plausible one. He said it was first written in this way, and Hanmantrao after consulting Dabir altered it. He removed Sathe and substituted Dabir in his place. Mr. Crawford says this was not the case, and suggests that serious mistakes were made. Now, how came these mistakes to be made? Why should a man write down that Dabir was to act as Mamlatdar in Bhusawal, if no one told him to do so? Why should he invent this? Then the second is; Mr. Crawford said he had no doubt Dabir was Head Karkoon at Chopda, and yet he is described as Head Karkoon in the Khandesh district. I have only been able to find one other instance of that kind, and very good reasons were given for so describing the men. That was in the case of Chowbal.

The President:—What do you suggest as the motive for this "in Khandesh?"

The Advocate-General:—I think it is perfectly natural, although I cannot find an instance of it being done. You do not promote a Head Karkoon without knowing where he belongs to. But it destroys the only reason, suggested for the appointment that he was Head Karkoon of the place where the vacancy occurred. It is impossible to suppose that if he were Head Karkoon at Chopda, he was appointed to be Mamlatdar for that reason.

The President:—Is it a fact beyond all possible doubt he was head karkun at Chopda? I never had a doubt on the subject since he went there.

The Advocate-General:—I do not know he had been removed from Chopda. There is only one instance in which I can find a similar description. I have really been unable to get at the old instances to see what they were like. Of all the modern ones none of them resemble this. F. A. is the only one I can find like it—F. A. which is Chowbal's case (reads F. A.): "The following officers have been appointed to act as mamlatdars of Taluka Rahuri, in the Ahmednagar district, during the absence, from the 13th instant, of Rao Saheb Krishnaji Sadashiv Mundle on privilege leave for one month and fifteen days:—Azam Govind Jagannath, head karkun of Rahuri, from 13th to 15th instant. Azam Ramchandra Yeshwant Chowbal, head karkun in the Ahmednagar district, from the 16th instant." It is perfectly clear when you look at the thing. If you look at the service books you will see Chowbal was a head karkun at Rahuri, and once he is described here as head karkun in the Ahmednagar district. But you will find another man was described in the same notification as head karkun of Rahuri; and it would have been impossible to have described the two men, one following the other, as head karkun of Rahuri at the same time. I am unable to find another case like this with the exception of Chowbal's. If you reject the account of Yadavrao, you must suppose that successive blunders have been made. Mr. Crawford says it was all simply a mistake.

The President:—That a mistake was made there can be no doubt, as it had to be corrected.

The Advocate-General:—He made two mistakes in the first paper as you can see. That might be the more correct way of putting it. He made two mistakes originally.

The President:—The mistake was perfectly certain. The question is, whether you can show that Hanmantrao made the mistake.

The Advocate-General:—I think it is a very great and a very strange mistake to make to answer an appointment to a taluka, which had never been mentioned,—and to send this man to Bhusawal.

The President:—Then it is impossible to describe this as anything else than a misunderstanding between dictator and scribe.

The Advocate-General:—There is no suggestion that the man was a careless scribe, or had made any other mistake of the same kind. Then, if you look at it, there was no necessity for sending Sathe to Bhusawal.

The President:—Pendse agrees with Mr. Crawford on the point that it was a very heavy place where a good man was required. Lathe was a man of experience, and he was sent to Nasik, which is a very heavy place.

The Advocate-General:—Lathe was a man only holding second class powers. Luxumon Nursingrao was the man who was acting there—a man fully qualified.

The Hon. Mr. Quinton:—But when a man is appointed, is his appointment not confirmed by the Commissioner?

The Advocate-General:—Then we have him apparently the youngest man obtaining the appointment. He was singularly fortunate, and he never reverted, except perhaps for a day or two. The appointment at Chopda lasted longer than was originally thought, and I quite agree there was no necessity for another order till the 9th of April. By B. F. Lathe was sent to Nazik, and Dabir appointed to go to Chopda. Of course there is a difference of opinion between the different officers as to the hard work at Nazik, and I think there is evidence it is a place for an experienced man to go to, and so Sathe was appointed at Chopda. It is rather a curious thing to select a man for an important town like Nasik, when he had only second-class magisterial powers.

The Hon. Mr. Quinton:—I think that is the very place where a first-class magistrate would not be required. In an important place in the interior, no doubt, a first-class man is required.

The Advocate-General:—Well, of course, if you come to that, it is not so striking as Bhusawal. Then of course he has the good fortune when his appointment expires at Chopda, to be appointed to another at Amalner. Then the reason given of Dabir's appointment at Amalner was that he was running loose at the time. It is a very curious appointment—not that the curiosity of the appointment in itself would prove impropriety; but it is a strong feature coupled with the direct evidence of the case. An investigation would have led to the result that there was a karkun in Amalner. But Dabir gets at once put into that place, notwithstanding he is a very junior man. That he was running loose, I think, is the impression meant by Mr. Crawford; but I do not understand that, because if he has left the appointment in which he was, he would simply revert to his own post. That seems to be the only thing that could happen. But the strangest thing is to follow. Mr. Crawford suddenly discovers Dabir was not at Chopda but at Shahada. It is in Exhibit B he says (reads): "Seeing that Mr. Loch did not recommend any one on the spot to take the short acting vacancy; seeing, also, that neither in the list of graduates or non-graduates qualified was there any head karkun at Amalner, I put in Dabir who was, as I said before running loose, and on his way to join another appointment, or about to join it. Whatever the appointment, I then understood it to be at Shahada, a considerable distance from Chopda, while Amalner was an adjacent taluka. It is a curious thing, but I do not think that Pendse was exaggerating his ignorance.

The Hon. Mr. Quinton:—He might have heard from other people in the office. Mr. Crawford only speaks from his recollection.

The Advocate-General:—Then, of course, that is the only possible way of accounting for his appointment. It is curious how Mr. Crawford in one of his very rare visits to the office came to know it, and it is certainly unconfirmed in any way. But I say that is the only possible way of accounting for the appointment. If Mr. Crawford were simply to refer to the list, then he would still believe Dabir to be head karkoon at Chopda, and there would be no necessity for removing him. But the only necessity for removing him was that at that time he knew that he was on his way to Shahada, and before he joined the appointment, it was thought that he might as well have been put at Amalner. The appointment at Chopda lasted longer than was

originally intended. Of course, amongst the officers there was a difference of opinion as to this appointment, and as to a more experienced man being appointed at Chopda. The several changes in the appointments of Dabir might not in themselves be of any great moment; but they are of great importance, when coupled with Dabir's direct evidence as to what took place between him and Mr. Crawford, and the very conclusive evidence of the remittance of money by Dabir to Poona. If Dabir's case be also a conspiracy, you will see how wide the net has to be spread so as to involve, not only persons in Poona, but also in Nasik and Khandesh, and you must suppose that all these people are defaming themselves for the purpose of making out the present case.

Vinze's Case.

Then there is a minor case, that of Vinze. That is again a case in which, if you take it by itself, it is quite possible that Vinze might have been the victim of an imposture. That Vinze paid money to Hanmantrao is a matter about which the Court can have very little doubt; and as to what took place between him and Hanmantrao, his story is there, and I would hardly think a man would invent it against himself. The Court could hardly forget his appearance in the witness-box, and the story he told of his payment of money to Hanmantrao. Hanmantrao, I think, had measured him accurately, when he told him, "You are a fool, and an ass." This case was not one of those which formed the charge against Hanmantrao.

The President:—But it came to the knowledge of the authorities long ago.

The Hon. Mr. Quinton:—It was not mentioned in Hanmantrao's case.

The Advocate-General:—You remember there was a set of charges in Hanmantrao's case, but they were not all proceeded against.

The Hon. Mr. Quinton:—At least, we know this that Vinze had made a charge.

The Advocate-General:—Yes, again, I say, Vinze is remarkable for the moderation of his statement. He does not leave Mr. Crawford absolutely untouched, but points to the use of the form of words which, Hanmantrao says, Mr. Crawford would have used, a form so vague as not to afford any striking inference. We see how these men in every case rather deformed the English, and it is impossible to say the exact form of words used by an English officer. As you remember Kalowde's statement, he positively swore that Mr. Ommaney had said to him "narrate."

The President:—One thing is certain. Whatever Vinze has proved, the story he told is not proved. There is an inconsistency of date, which makes the story, as a whole, impossible.

The Advocate-General:—It only shows that the man must be erroneous in the date he gives. Vinze's mistake is this—that he said he had paid the money to Hanmantrao before his interview with Mr. Frost at Igatpuri, instead of saying that he did so after. His story otherwise agrees completely with Pendse's story, and also with his own in another part.

The President:—Vinze gives a long narrative of negotiations between himself and Kalowde and Hanmantrao, all which could not be true, if his story as to the date could be held true.

The Advocate-General:—But the terminal point is the payment of the money, and that payment was made after the second of May and not before. The inaccuracy as to the date is about as strong a piece of evidence as you can have against its being a concocted story. If it had been a concocted story, a point like that would have been provided for.

The President:—He had committed himself to the story before Mr. Crawford was suspended, and he could not alter it after that.

The Advocate-General:—I do not know if your lordship has any right to make that inference.

The Hon. Mr. Quinton:—I think that, in order to accept your story, we must make some assumption. You say that Vinze was totally mistaken in his account of the transaction.

The Advocate-General:—There is only a slight alteration to be made; and then his story, in the main, agrees with the other part of his story. That ten or twelve days should elapse during the negotiations, and that the payment should be made on the 2nd May, were things which, no doubt, did not agree. But there is no reason, therefore, to discredit his evidence. I do not, however, think that Vinze's case is an important one. There is no doubt that in Kalowde there was a man who was on terms of intimacy with Vinze, though Kalowde himself minimizes the fact. There was

such intimacy that Vinze writes to him to ask him to put up with him when he comes to Poona. I think there can be no doubt also of Kalowde's intimacy with Hanmantrao, and Vinze is probably speaking the truth, when he speaks of Kalowde being his intermediary with Hanmantrao. The story told by Kalowde that he was constantly visiting Hanmantrao, because Hanmantrao was acting as his teacher in Canarese, I ask the Court without hesitation to reject. There is not a scrap of evidence that Kalowde was engaged in learning Canarese from Hanmantrao. Hanmantrao has no doubt been to a college, but he is not a teacher or an expert in languages. I think it might as well be said that Hanmantrao went to Mr. Crawford to learn English. The story of Kalowde is absolutely ludicrous. There was an intimacy between Kalowde and Hanmantrao which Kalowde wishes to disguise; and when he talks of his visits to clerks in the office, it must be remembered that they were all Hanmantrao's allies, and in some cases also his relations. I say, therefore, that on that part of the case the probabilities are in favour of Vinze's story being true, as to Kalowde being the intermediary between him and Hanmantrao. No question was ever put to Pitamber Joshi as to whether Kalowde went to Hanmantrao for the purpose of studying languages. It is perfectly clear that Kalowde would never have invented that story at all, if Hanmantrao knew nothing whatever of Canarese. If he had said he had been to Hanmantrao to learn Gujarati, that would have been too ludicrous. But it does not happen that a man goes to learn a language from another, because it forms the language of that part of the country from which he comes. Nor do I know whether Kalowde had any call for learning it. But Vinze's case is one of the least important as telling against Mr. Crawford.

The Bhore State Case.

Now I come to one of the most important cases that we have to deal with. It is a most serious and important, and, at the same time, a sensational case, and that is the Bhore State case. I do not, of course, mean to say it is a worse offence to take a bribe of Rs. 10,000 from a Chief than to take Rs. 1,000 from a humbler individual. But this case singles itself out from the rest, and fixes our minds on it, because the principal actor in it is a man occupying a position such as no other person in the case submitted to the Commission occupies. The Chief of Bhore is not one who stands in the very first rank. He is not on a par with the great Chiefs of Central India, or the great Chiefs of the Bombay Presidency, like the Gaekwar, for instance. But still he represents one of the great feudal houses of the Peishwa's dynasty, and occupies a considerable influence in Western India. Therefore, that case is one which invites and requires the most careful scrutiny by the Commission. We are told by the defence that there was a mutual antipathy between the Chief and Mr. Crawford. It is a pity, if that was so, that no question was put to the Chief on that point. It is also a pity that other cases, in which Chiefs were the principal parties, were not admitted by the Commission, so that we would have found whether the same plea of antipathy would have been advanced with regard to them too. Nothing, I say, can be so repulsive to the feelings of a Native Chief of the position of the Prince of Bhore as to come before a Commission like this, or indeed before any British Court, and confess to an act of this kind—a confession which must place him in the black books of the British Government. In their eyes, I think there can be no offence more serious than that of a Chief offering a bribe to one of their officers, and I confess that, starting on *a priori* considerations, I feel it impossible to conceive what motive could induce a man like the Chief of Bhore to come here and tell a false story against Mr. Crawford. I should have thought it far more likely that a Native Chief, who had really been guilty of corruption, would have denied it out and out and stuck to his denial to the last; and that only very full information coming into the hands of Government could have induced the Chief of Bhore to come here and give evidence. The story told by the Pant is a very clear one, and his books to a certain extent—and that a very considerable extent—bear it out, except on that point which is not put in the books at all, and that is the actual payment of the money to Mr. Crawford. It is of course absurd to suppose that if a bribe was really given, it would be entered in the books.

The President:—Can you put it higher than that the books are neutral on the point? I do not think the mere fact of the entry being made in the books is a proof that the money was paid to Mr. Crawford.

The Advocate-General:—The books thoroughly support the charge in regard to the provision of money on a particular date. The Court thinks that the books are

exactly what I should expect to find them . . . . . But you cannot say that the books break down, because of the entry as to payment. I think I may say that the only point in which that entry differs from the others is the omission of the specification of the hand by which the thing is brought, which we do not find in any other entry.

The President:—There is a difficulty about that, because the principal witness who was called regarding the entry in the Bhore books says that he did not know there was anything unusual in the matter . . . . . Why should he not have filled in the name of the man who paid the money?

The Advocate-General:—There is a blank, because the money was paid by the Pant himself.

The President:—There is no doubt that that is what the man says. The impression left on my mind about his evidence is that he did not know there was anything unusual in the transaction. He thought the money really came to Poona.

The Advocate-General:—Yes, he did intend to convey that view to your Lordships. But that was not the way in which the entry was made. The witness says he had not filled in the name of the man who paid him the money, because the money was given to him by the Pant Saheb. What the Bhore books do show is that the money was in the hands of the Pant at Poona at the time when the payment is charged to have been made. There is a conflict of evidence as to whether the interview between the Pant and Mr. Crawford at Sherwell took place on the 14th and 18th of April 1887. It would have been just the same to the prosecution whether the interview was on the 14th or on the 18th. My learned friend goes so far as to say that all the four documents are fabricated. It would cast, no doubt, a grave suspicion on the whole case, if there was intentional fabrication. But my friend used, perhaps, a stronger word than he meant to use. In the first place, the suggestion that the interview was on the 14th was put forward at first by the defence only as an impression on Mr. Crawford's mind. The Pant, when asked in cross-examination, said, "When I met Mr. Crawford at Sherwell, he was returning from Mahableshwar. I had not been to see Mr. Crawford on his way to Mahableshwar, but I saw him on his return. I do not remember going on any other occasion to see Mr. Crawford at Sherwell." Then we come to the messman, and let us see what he says. It was suggested that the man was a servant of the Pant, but there was no evidence to show that to the court, and I say that the idea that a messman of an English travellers' bungalow is a servant of the Pant is absurd. The messman says:—

(READS.)

"I am a messman of Sherwell travellers' bungalow. I have been so for 15 years. I know Mr. Crawford by sight. He was at the bungalow in April of last year. He was there in the evening. In April he came twice. I don't remember the dates well. The first time must have been 12th or 13th, the last 16th or 17th. The first time he was on his way to Mahableshwar. The second time he was returning. I can't read English well."

Even supposing that the messman's memory is not quite accurate as to whether the interview took place on Mr. Crawford's way to Mahableshwar or return from it, the hours that he mentions fit in with the return journey and do not fit in with the journey up the hill. He further says:—"On returning from Mahableshwar Mr. Crawford dined at the bungalow. The Pant Saheb had sent provisions there and Mr. Crawford took from me a tin pea soup. The peons brought the provisions. The Mamlatdar had told me the Commissioner was coming. Mr. Crawford arrived at about 5 or 6 p.m. The Mamlatdar and Vakils and the Karbhari and the Faujdar came to see Mr. Crawford. Many people came there, including the Pant Saheb. I remember it was on Mr. Crawford's return journey that the Pant Saheb came. I remember I had to supply no provisions, as the Pant Saheb sent them. The Commissioner gave me Rs. 2 as a present. Mr. Crawford did not dine on his way up, he only rested for 2 or 3 hours and then went on. The Pant Saheb did not see Mr. Crawford when he was going to Mahableshwar. The Pant Saheb did not come and see him again in June." It is a proof, I think, of our satisfaction with the man's evidence that his re-examination was declined. It is really not worth discussing the point about Mr. Crawford paying Rs. 2 to the messman, because I apprehend that he would as a matter of course pay the fee; and the messman would not be likely to

tell him that there was no necessity for paying the money. The Mamlatdar was called, and says :—

"I am the Mamlatdar at Shirval in the Pant Saheb's service. In consequence of that intimation I made certain preparations. I arranged for Hanmantrao's dinner and made arrangements at the bungalow for Mr. Crawford. On the day I made my arrangements, Dada Phatak came to Shirval from Bhor. Also the Pant Saheb came after Dada Phatak with his retinue. The Commissioner came from Mahableshwar. Hanmantrao had come there that morning. He dined at my house at about 10 or 11 a.m., and also in the evening with Dada Phatak. I did not take my meals with them. I believe I was observing a fast on that day. Hanmantrao and Dada Phatak went towards the travellers' bungalow. Mr. Crawford had come when they went towards the bungalow. Mr. Crawford dined there that evening. After dinner an interview took place between Mr. Crawford and Pant Saheb. After the interview the Pant Saheb returned to Bhor. Mr. Crawford left shortly afterwards. Hanmantrao and Dada Phatak remained in the traveller's bungalow. They were still in the bungalow when I returned to my house. I did not see them again. I know the date. I can fix it by an account. I made out for the expenditure incurred by me in making preparations. I sent the account to Bhor in due course to be recorded. I have got it back from the Daftardar and I produce it. Refreshing my memory from it, I see the date of Mr. Crawford's visit was 18th April 1887." Not a single question was put in cross-examination as to the genuineness of the bill or the date put upon it by the Mamlatdar. When recalled, he said :—

"The bill is for the provisions of the Pant's servants, and the Pant Saheb himself. I prepared a separate bill for Mr. Crawford and his attendants. Bala Saheb is a relative of the Pant Saheb. I have a memorandum of eight persons for whom expenditure was incurred. The Pant is not mentioned amongst them, nor Dada Saheb Phatak. The total expenditure was Rs. 2-11-9; but it was found afterwards there was a mistake of six annas which was afterwards added." I am far from saying that Mr. James Crawford's cross-examination of witnesses was not of an exceedingly able character; but at the time when this part of the case was going on Mr. Inverarity was here to give the benefit of his experience to the defence. The point was, however, completely dropped, and no suggestion of fabrication was made as to those bills. The documents were looked over by Mr. Inverarity himself, I believe with Mr. Baines' assistance, which surely does not show a mistrust of the officers on our side. I say that unless those bills are absolute forgeries, they are conclusive. If they had been forgeries and if there was the slightest suspicion of that character in the minds of the defence, they would have cross-examined the witnesses on that point, and if they had done so, I say we would have supported their genuineness by a reference to other documents. I do not think, therefore, that the Court will allow the suggestion made in the reply that the bill was in an improper form to weigh with them in the least, since no attempt to impeach them was made in cross-examination. The first bill gives the expenses of the Pant and his suite, and the second the expenses of entertaining the Commissioner.

The President :—You say that this is evidence that the bill was presented and passed in due course?

The Advocate-General :—At a date when fabrication was impossible.

The President :—I do not really see how the matter would be strengthened by any entry. I do not say the witness is not speaking the truth.

The Advocate-General :—I think it is impossible to suppose that if this is a genuine bill, it does not represent the matter correctly. So if the bill is a true one, it is impossible to doubt that interview was on the 18th and the whole thing was settled by the 11th May 1887, when the Pant never dreamt that the matter would be brought before a court of justice. My learned friend says that if the interview took place when Mr. Crawford was going up, the Pant has been fabricating documents. It is more possible to fabricate a separate sheet than to fabricate part of a book. If then the bills are genuine ones, it is impossible to doubt the interview which took place on the 18th. The documents are conclusive in regard to the interview, and if they were to be challenged they ought to have been challenged there and then. On the other hand, Mr. Crawford's contradiction of the Pant's story might have been attributed to a lapse of memory. But when a lapse of memory is persisted in, in face of such documents, it can be persisted in only with the view of breaking down the Pant's case any how. Then of course the most important point in Mr. Crawford's favour is Mr.

Grant's memory. It was not that Mr. Grant, according to one of those wonderful telegrams with which we have been favoured, contradicted the Pant and all his witnesses; but it is only a case of Mr. Grant's memory of what he believes about Mr. Crawford's visit to him at Mahableshwar. I have not the faintest doubt that Mr. Grant thoroughly believes what he says. But it must be remembered that when you come to recall your impression of what a man said to you two years ago, and when probably your mind was not particularly directed to it, it is not hard to conceive that you may not be quite accurate in recalling it. Judging from Mr. Grant's evidence in this case, I think his memory is not very precise, because he is unable to say whether a certain other conversation, some months later, took place or not. His impression was that it did not take place, but he could not say for certain that it did not. So Mr. Grant's memory is not his very strong point. He saw Mr. Crawford later in the same year after Mr. Crawford had seen the Pant, and it is quite possible that Mr. Crawford might then have referred to his visit to the Pant, and Mr. Grant might have confused the two dates of his meeting Mr. Crawford. It does not, however, seem to me that this is a matter on which you can build very much, when it comes to a case of recollection by Mr. Grant, not of anything within his own personal cognizance, but of what Mr. Crawford said to him. Now is there anything whatever in the other evidence Mr. Crawford has produced? Is he not possibly under a delusion? Take Gopal, the hamal. Is that evidence of the slightest value? The man remembers some things so absolutely minute as to show that he had been rubbing up his memory very strongly. What he said about the soup at dinner is a curious thing. It is a thing which is more likely to impress itself on the mind of the messman than of the hamal. The hamal is not a cook, but still he comes here with that circumstance particularly impressed on his mind. Mr. Crawford goes to stop with a friend for a few days; and is it not rather improbable that this hamal would be of the party and more likely that his table servant only would be taken all the way to a friend's house?

The Hon. Mr. Quinton:—I do not know what the practice is on the Bombay side; but the practice on the other side is to take a bearer.

The Advocate-General:—And you have a far greater number of servants there. As far as I can see, you carry on the other side of India more incumbrances than we do here. If the hamal did go with Mr. Crawford, his memory must be absolutely valueless. For he says that he went in the cold weather. When he was asked how long before it was the monsoon, he said it was not before the monsoon, but after it; and then he says twice over that it was in the cold weather. Now let a man be ever so impervious to fluctuations of temperature, I defy any man leaving Poona on the 18th April to say it was anything like the cold weather at the time. April in Poona is very hot. It is worse than May when the heat is tempered by the sea breeze. It then comes to this that either the man was not with the party at all, or his memory is a perfect blank. Is not Mr. Crawford's own memory utterly at fault here? There is no corroborative evidence except the evidence, such as it is, of the hamal, regarding the carriage and horse Mr. Crawford took with him. Mr. Grant says, "I won't swear that the carriage did not come up; but I do not think it did." No coachman is called, and no person who saw the carriage on the way is called. The journey is between 74 and 75 miles, and it is very improbable that Mr. Crawford having the dawk the whole way would take the trouble of having the carriage also with him for so short a visit. He says he had it out once in Mahableshwar. Now, if that carriage was brought out on the hill for use, Mr. Grant was not likely to forget it. There are two kinds of conveyances to go to Mahableshwar, either a tonga or a barouche, and Mr. Crawford says he had a dawk laid for himself and a tonga for his servants. I submit that on this point the evidence given by the prosecution is infinitely superior to the evidence given by the defence, and it is impossible to doubt that the 18th was the date of that interview. In itself I say it is a matter of no importance. But it is important, when you come to consider the veracity of the other evidence in the case. On the details of interviews like this and the others in this case I do not think it is possible to say very much with advantage. The Commissioners will, no doubt, read and compare them themselves. A microscopic criticism has been applied to them by my learned friend, Mr. Inverarity, and no doubt a microscopic scrutiny will show discrepancies between different witnesses. I have no doubt two years hence, if the Commissioners were to give an account of what happened to-day, an equally minute scrutiny would discover equal differences in any evidence that they might give. From my own experience as counsel, I regard my case with suspicion if I find my witnesses coincide too much in minutiæ. I should prefer far more that they should not coincide exactly in every minute particular, and it was not till the opening of the defence that such a matter was

suggested to us. The Pant was asked as to the dates he had seen Mr. Crawford. Of course, the man who was cross-examined at much greater length than the Pant was, Dada Phatak—he spoke, of course, as to his return—that was part of his case, and in his examination-in-chief he said the date of his return from Satara was the evening of the 6th September and the date he went was the 1st. He was not in any way pressed on either point regarding the dates. Then comes the opening of the defence, and then we have this alleged visit on the 6th, coupled with the note upon Exhibits D-A, "presented, 6th September 1887, A. T. C.;" and the alleged visit of Dada Phatak to Mr. Crawford, not merely on the 6th, but on the 5th. What Mr. Crawford said—you will find it on page 273—is "the Pant came to me on 6th September. I saw Dada Phatak on the day before, and he came to arrange with me about the interview, and the Pant came to see me about matters that were pending. The matters referred to covered principally vernacular correspondence. On the 6th the Pant came with Natu and Phatak." There were all these witnesses who might have been examined on the subject. But they were not, and I think the whole story about the visit of the 6th was an afterthought. I need hardly say my learned friend would have felt bound to cross-examine them if he had then intended to take this point. Mr. Crawford says that Dada Phatak was not only present on the 6th, but arranged the interview on the 5th. Now when you look at the documents, I think they make Mr. Crawford's story of this interview impossible. If you look at Exhibits D-A and D-B, you find that D-A is a reminder of the 1st August presented on the 6th of September. D-B is Mr. Crawford's answer, and he begins:—"Poona, 7th September 1887. I duly received your yadi of the 10th May last, for which you have asked for an answer yesterday. I talked over the matter you submitted with Mr. Grant, the late Political Agent, when I was recently at Satara, and we agreed that the Sudhagad forest being your private property, lying within your own territory on the borders of the Kolaba district, and in no way connected with the Satara or Poona forests or water-sheds, there is no reason why you should obtain any permission to cut it from me or from any person." Now that part of D-B is absolutely inconsistent with Mr. Crawford's story, which is that Exhibit C-Z, which is a memorandum from the Pant Sachiv of Bhore to Mr. Crawford dated 20th April 1887 (as to the felling of wood), never reached him. He makes a positive statement that he never received the document till after his suspension. His letter of 7th September says, "I duly received your yadi of the 10th of May." You will also find this by reference to the document itself. I think your Lordship has the original C-Z. I think you will find the endorsement 10–5–87. I submit our evidence as to the possibility of this interview is really unrebutted.

The President:—What do you make of that endorsement on D-A?

The Advocate-General:—That somebody or other must have taken it to Mr. Crawford.

The President:—I am not quite sure I follow your suggestion.

The Advocate-General:—The Pant's statement is that he had given it over to his servant long before, and that he had not posted it.

The President:—He had given it to a servant to post it?

The Advocate-General:—Well, I don't think he had given it to a servant to post. He had given it to a karkun; but who took it the Pant is unable to say. The Pant had no further recollection of it, and of course we did not pursue the question any further; but at that time there was no question whatever about it. Then I ask the Court to look at the evidence the other way. I cannot say it was impossible that the Pant could have gone with it, or that Yadavrao could not have gone. They were in Poona, and it is possible they might have gone. But it is improbable that the Pant would have gone unless an interview such as this had been arranged. The other men, Natu or Yadavrao, might have taken it, although they were not asked. But it is impossible Dada Phatak could have been there on the 5th or 6th. If he was not there, the whole thing falls; and of course the importance of it to the defence is to prove Dada Phatak to be a liar. We have of course the evidence of Dada Phatak himself, and of course I want to corroborate him.

The President:—This man falls under the worst category, for he lends himself, according to his own statement, to this corruption without a murmur, and when he had no reason whatever to do so, for the Commissioner had no power over him at all.

The Advocate-General:—But you have not only Phatak's statement to rely on. Some of the witnesses who corroborate him were entirely disinterested witnesses who must have been suddenly brought in to join this vast conspiracy at the last moment without even knowing what they were wanted for. Then you have the fact of the interview with Mr. Acworth. This visit is entirely beyond dispute, and the reason of

it is he wants to employ an English-speaking vakeel for the murder case in which Dada Phatak, being the committing magistrate, would naturally take a tolerably keen interest. It is also quite clear from the later endorsement of 8th September which comes from the Political Agent—and could not have been tampered with—that Dada Phatak had appointed an English-speaking gentleman as vakeel. Then you have the evidence of two witnesses—unfortunately Mr. Acworth is on furlough, and I could not call him—but you have two witnesses who are of the first-class. One was Bordas, the sub-judge at Wye, whose memory is distinct on the point. He remembers Dada Phatak coming on the 1st. He remembers the two dinners on Sunday—what I would call lunch and dinner, the dinner in the evening of the Sunday. He also gives the names of those who dined, and he proves that on the morning of the 5th he remembers being present at the interview between Tata and Lele. The latter has gone to a distant station, and we had not time to call him. But it is clear that Lele was appointed, and formally recognised by Mr. Acworth. That is why they got Lele to conduct the case. Mr. Bordas spoke of the evening visit to Tata. This brings us up to the evening of Monday the 5th, and the interview between Tata and Crawford. Now that being so, he could not have reached Poona in time for the interview on the 5th, and after the visit on the evening of the 5th he could not have been present at this interview on the 6th. Then you have Tata, a man of very good position, and I think he is a strong witness. He remembers the events but not the dates which I think increases his credibility. He remembers the dinner and the visit. If this was in September, it could not possibly have been after the time stated, for we have the Pant's yadi replying to what had been done on the 8th of September. It was at the time of the Bhore murder case, and we know that the trial before Mr. Acworth was concluded the first week of September. Then you have Chintaman the vakeel practising in Bhore. What then becomes of the solitary witness to contradict this on the part of the defence? He saw Dada Phatak twice on the day of the trial on the 5th September. Well, that is exactly what you would expect to happen, and the second time he came to tell him the result of the day. The evidence was closed, you will remember, on the part of the defence on that day, and it was plain that Dada Phatak would not be wanted; and he says further that he met Dada Phatak on the 6th about 7 or 8 a.m. I think I might mention one thing, as your Lordship drew one conclusion about what Mr. Acworth said. You said it was plain Mr. Acworth did not accept the statement of the second prisoner, and acquitted one of the prisoners, as he was of opinion there was not sufficient evidence against her. But what Mr. Acworth decided was, that, accepting the statement of the second prisoner, it formed no crime on her part. I have now to come to another witness—the Duftardar. He speaks of a journey he made with Dada Phatak, and returning with him, making out a bill for the journey. There is one point of discrepancy in the evidence between the two witnesses, although it is a very small point, and that is that Bordas's impression is that the two men left in separate tongas, whereas they went in but one, the servants following in the other. If the story had been made up, this is just one of the points they would have made right. Then we called the man who kept the tour day book, and entered the bill in it. Then my learned friend, Mr. Inverarity, thought he had found a flaw in this book, which I myself believe was a proof of its accuracy. Mr. Inverarity says: (Reads from notes what Mr. Inverarity says): —We have the book, and I quite admit it is possible to fabricate anything; but no suggestion was made as to that and no question was put to the witnesses except as regards to the book being in separate sheets. It is only when we come to the reply to the evidence that there is anything said in the way of it being a fabrication. But then every page is sealed, and it seems to bear the marks of authenticity. You have three witnesses all agreed. There is no reason why you should challenge the story of Dada Phatak and his witnesses as fabrications. There is no reason why you should not accept the story. Then my learned friend took a rash step in regard to the story as to the change of the notes—he asserted that it was an improbable one. We bring in another independent man, Sathe the banker—and there is not the slightest reason for suggesting that he is not speaking the truth. The evidence here is also very good. Sathe said he had not the notes wanted by some Rs. 1,000, and the amount was supplied by Phatak. Phatak sent to Bhikaji, who got the notes from Namjoshi. Against Namjoshi there does not seem to be a word. He is a man who seems to be trusted, and I am glad that my learned friend elicited from Dada Phatak that this man was a connection of his by marriage, to whom therefore it was natural he would apply for money. I submit, therefore, that the whole story is consistent as told by the Pant, but by no means so that of Mr. Crawford. It is said that the Pant got nothing for this. But the Pant just got what he was particularly interested in the

very day the money was received. Mr. Crawford says this was a matter of course. The answer is that you have only got to look at the Pant's two documents in the case. It was a matter to him of the greatest importance, and he considered his previous agreement with the British Government made it a matter of special indulgence that his request should be allowed. On this point I think Mr. Grant was a little hazy as to what he had done. He had no recollection of making the endorsement. How did it get there if he did not? How should anybody write what Mr. Grant should not want to put? Then Mr. Grant's evidence leads us to believe that the question in regard to a demarcation scheme was concerned—a scheme for making the boundaries of the forests; look at Exhibit C-Z and its accompaniments. You need look no further than that to see what he means. It is very curious that the Pant himself in C-Z, combines this with the demarcation question. The Pant was at that time trying to modify the agreement to some extent, for he says in Exhibit C-Z, "The demarcation boundaries of the Sudhajad Taluka having been fixed, the statement and other papers have been sent to the Political Agent at Satara along with the English letter No. 142 of the 30th December 1886. Amongst these papers there is the Forest Officer's Report, No. 114, dated 28th December 1886, in paragraph 11 of which it is stated that the preservation of forest in Nos. 1 and 2 causes loss of revenue annually, and that the present annual loss in revenue will probable be recouped if the forest were, as before, felled in such places as and at such times when it became fit for felling." Then he says "the Forest Officer's Report, No. 166, dated 25th April 1887, shows that at present the Sudhajad, Fort Thera, and some other forests have become fit for felling." Then comes the memorandum which shows that the Pant's people were not at liberty to do so. (Reads memorandum.) So it is quite clear that the view of the Pant and his officers was that by the agreement of the English Government they were not at liberty to do this. Then there was the suggestion by my learned friend that it was merely firewood. But the memorial says: "In Thera Fort, Sudhajad, Jalamb, Ghotande, and Gugalvad, at Sudhajad Taluka of forests have become fit for felling, and in consequence of their not having been cut for a long time, the trees have been hollowed out by ants, and the timber is likely to become unfit for building purposes." So it is clearly building timber and not mere firewood, and the curious thing is that this is coupled up by the Pant with the demarcation question. I must say I can see nothing in Exhibit 84 showing that the English Government had changed its views on the subject. You find that Mr. Crawford's views on the demarcation question were much more favourable to the Pant in 1888 than in 1887. I will give your Lordship for reference Exhibits D-D and 88. (Reads D-D.) In Exhibit 88:—Mr. Crawford modifies the details very much indeed. But I think Exhibit D-A is one more immediately connected with the matter, it shows how Mr. Crawford had been dealing with the Pant. I do not think you will find otherwise than that Mr. Crawford was following the lead of the Political Agent. And one or two cases in which he seems to have been especially severe, have been found to come in the period before the 7th of September, in which time—in the Pant's view at any rate—Mr. Crawford here seems to have tried to make himself as disagreeable as he possibly could.

The President:—Mr. Crawford adopted a very harsh policy towards the Pant a month after the alleged payment of the money, and only modified his order after the Pant complained, and the collector wrote that Mr. Crawford's view was a harsh one. Still the fact remains that Mr. Crawford took a view unfavourable to the Pant.

The Advocate-General:—He took a view less favourable than the Pant wished. The Pant had said the forest was the only thing he cared about. Hanmantrao came and demanded Rs. 15,000. The Pant said this was too much. But what ultimately happened was that he paid Rs. 10,000 and got the forest.

At this point an adjournment was made for the day.

The Commission resumed its sitting at 11 o'clock on Tuesday:—

The Advocate-General, continuing his address for the prosecution, said:—I was just, my Lord, finishing what I had to say on the Bhore case, when the Court rose last night. Mr. Leslie Crawford very rightly drew the attention of the Commission to the passage in Exhibit D-B as an answer to the suggestion that this interview of the 6th was an afterthought. But whoever presented the petition and the answer, it comes to the same thing. It does not account for the presence of Dada Phatak. Therefore I have finished what I have to say on the Bhore case. I find it impossible to suggest any reason why the Pant should have invented the story if it was not true. The evidence of the Pant, if compared with the version of facts as given by Mr. Craw-

ford, would induce the Commission to decide that the Pant was correct. With regard to the suggestion of Mr. Inverarity that the prosecution had not shown where the Rs. 10,000 received by Mr. Crawford had gone to, that is true. Supposing the money was received in the way the prosecution alleged, it was not possible he could do so. The prosecution of course are completely in the dark, except as regard the evidence of payments that came out in Court; and even Mr. Crawford expressed his inability to say what payments he had made except where his memory had been assisted in the same manner. Regarding the other cases, without any desire to minimize their gravity, I hope I may be able to travel over the ground more quickly. The next case is Thakar's case. It stands on a different footing from the others. It may be called a specimen of the forced loan order. I believe it cannot be shown that Thakar got anything for the payment. The only thing Mr. Crawford can suggest as a motive for any ill-feeling is that he preferred Baput to Thakar, Baput being a witness later on. Thakar is one of the best educated men in the service, and I submit the man gave his evidence without the slightest trace of exaggeration. His case is that at an interview with Crawford at his Kirki bungalow on 29th January 1887, he asked that he might get a vacant place as Forest Officer or Deputy Collector, the latter a place for which he was eminently adapted. Mr. Crawford asked him for the sum of Rs. 1,000. Then you find that he does draw two days later—I find that the intervening day was a Sunday—but on the 31st he does draw Rs. 1,000 from the Savings Bank, as appears from Exhibit B-O, and gets it changed into notes by Nagarkar. As to the Rs. 500 it is clear it was changed in the Treasury, and then he comes to Poona and pays Hanmantrao the money according to Mr. Crawford's directions. He is corroborated by the Savings Bank book and the Treasury book, and further by the oral evidence of his brother Ganesh Thakar. Then as to his presence in Poona, he is corroborated by Karkar. Regarding the hour at which the man arrived in Poona —he arrived by the early train from Madras, before Hanmantrao's house could be open, and what could he do but go to a friend's house till daylight. It was in January, and he would arrive before daylight. The money does not seem to be paid exactly as a bribe; it would be rather a forced loan of the worst type from a subordinate. And I must in connection with this read some passages from Mr. Crawford's evidence to the Court later on. You must remember he was getting loans wherever he could get them. And is it likely that the one class of people from whom he would not seek loans would be mamlatdars? Then, of course, your Lordships may ask why is it included in the graver charges? For this reason that taking money, even calling it a loan, from a subordinate in that way, can, I think, be looked upon as anything else than as coming under those graver charges. For we know there is no attempt to repay.

The President:—How was this not done in Pendse's case?

The Advocate-General:—Because the money in that case was asked for in a letter. And there was the acknowledgment of the money.

The President:—But this man got all his appointments before he paid the money.

The Advocate-General:—Well, of course, there was every motive for him trying to conciliate his superior if such a sum were demanded from him. Then you must recollect it was after his interview with Mr. Crawford he got the appointment of first grade mamlat, though before the actual payment of the money.

The President:—Before he paid the money?

The Advocate-General:—It was after the interview.

The President:—Did he not say that up to that time he had never consented to pay any money?

The Advocate-General:—He said he did so. I admit that he seems, like the others, not to have got anything for it; but he could not do else than comply with Mr. Crawford's demand; considering the power Mr. Crawford had of standing in his way. I think the man seems in no way to exaggerate in anything he says, nor to put in any hostile manner. And we cannot say that there is any suggestion against his character in cross-examination. His fitness for the high appointment is quite admitted, and it is impossible to say why he should come here to tell an untrue story.

The President:—I think I should call your attention to that. It is extremely necessary to know how in the world stories like that could be.

The Advocate-General:—Thakar might have disclosed it. We all know how these things get abroad.

The President:—But he had no intention of bringing a charge against Mr. Crawford then.

The Advocate-General :—Your Lordship may remember that when Ganesh Thakar was being examined, he did not say he did not tell anyone. At the top of page 124 Thakar says, " I saw Mr. Pendse on my way to Ratnagiri at the end of October. That was the next time. I saw him after January I had a conversation with him." We hardly ever in our lives have found witnesses admitting they ever said anything on such a subject before.

The President :—In many of these cases there is not another person who knew anything about the matter, and it is unlikely the men themselves would go about talking about what was sure to prove disadvantageous to them.

The Advocate-General :—Well, you have many people staying in Hanmantrao's house, and you have the clerks in Hanmantrao's house, and they might have talked about it. Remember in some matters later on you have a valuable gentleman like Kasi Abbas. Thakar's evidence showed a much closer connection with Hanmantrao and Mr. Crawford than Mr. Crawford admits, for he had to pay the money to Hanmantrao ; and we know that Hanmantrao was Mr. Crawford's money-broker.

Paranjpe's Case.

Now we come to Paranjpe's case. He is a man who does not in any way implicate Mr. Crawford. He does not profess to have had any conversation with Mr. Crawford on the subject. His interview rather was with Hanmantrao, and his payments were made to Hanmantrao. He pays Rs. 1,500 in all to Hanmantrao. He drew Rs. 600 from the Savings Bank on 17th January 1887, and paid Rs. 500 in February or March. But he again drew Rs. 1,100 from the Savings Bank, and on the 19th of April he paid Rs. 1,000, and what does he get? He, I submit, got a very important benefit indeed. He got restitution to the ranks of the service and to the rank of *sub pro tem.* Now there is a good deal said about the unfair treatment of Paranjpe by the officers who carried high authority. I think it was said that Paranjpe's case was not heard. If you look at the documentary evidence that is not so ; for it was on his information the report of Mr. Elphinstone proceeded.

The President :—But he was not allowed to see Mr. Robertson's report.

The Advocate-General :—Mr. Elphinstone's note shows not merely that he had made an explanation, but that actually the report had been taken which was annexed to Mr. Elphinstone's letter. You will find the report dated 4th February 1882.

The President :—Am I right in saying D-Z is the one which he had not been allowed to get.

Mr. Quinton :—Quite so, but D-Z covers much wider ground than D-W.

The Advocate-General :—I am reminded D-W is a report on specific charges of default, and D-Z a report on his capacity.

The President :—But E-A is based upon D-Z.

The Advocate-General :—I do not think that such a general report on efficiency would be allowed to be given out. In the report—in all the paragraphs Mr. Elphinstone calls for an explanation. You will see in paragragh 9 he called for explanation why the assessment had not been taken from the persons there mentioned.

The President :—But was he allowed to see the report about his irregularities in assessment?

The Advocate-General :—He was not allowed to see Mr. Elphinstone's report till Mr. Robertson saw it. In every paragraph, I think you will find Mr. Elphinstone gave Paranjpe an opportunity of making an explanation to him. I think you will find on examining the documents the way in which Mr. Elphinstone deals with him ; and although he may not have submitted the mamlatdar's explanation to Mr. Robertson, I think it is plain he dealt with him fairly. Of course a good deal is built on Mr. Woodward's statement that he does not seem to have had an opportunity of explaining. I refer to page 230, where Mr. Woodward says : " It would have been more consistent with standing orders had applicant been allowed an opportunity of refuting the charges made against him." I take it that Mr. Woodward simply proceeded on the facts presented to him by Paranjpe. Then Paranjpe's restoration is proposed to Mr. Robertson. Well, that I will say nothing of. This appointment of Paranjpe's seems to have been in the face of Mr. Robertson's orders. I grant Mr. Crawford has as good a right to his opinion as Mr. Robertson, but then it seems to me to be in the face of the specific orders and the general orders of Government. The meaning of the resolution is perfectly clear that Paranjpe was not to be allowed to go up for the

higher standard examination; and surely it appears in the resolution that the only object of going up for the higher standard examination is to qualify for the higher appointments. That is the resolution of 11th March 1888.

(READS RESOLUTION.)

RESOLUTION.—"Mr. Daji Balal has had ample opportunities of passing the higher standard examination which he failed to avail himself of, and he should be informed that his request cannot be granted. The time within which non-graduates employed in the Revenue Department were allowed to qualify themselves for the higher appointments in that Department expired on 31st December 1883. The applicant is not therefore entitled to appear at the higher standard examination, and there is no reason for treating his case in an exceptional manner." Surely it is impossible in reading that resolution to say anything else but that Government considered he was no longer qualified to apply for the appointment.

The President:—The resolution is exactly as it stands. It matters not whether he is qualified.

The Advocate-General:—The resolution seems to me perfectly plain.

The President:—There is no question as to his not being qualified. Suppose he had applied to Government to say he was qualified although he had not passed, and asking them to consider it?

The Advocate-General:—I should say the resolution puts it plainly enough, that he could not qualify now for a higher appointment; and it also says the time within which non-graduates may qualify for the higher appointment has expired, and of course the very preamble shows that that was the object with which the application is made; and when you look at the other resolutions of Government, it is clear, I think, that after 1883, except by some special order of Government, it was impossible, at least it was illegal, to appoint any non-graduate who had not passed the higher standard examinations to a mamlat. Indulgence was given by the extension of time. But that qualification was always insisted on by the resolution of Government as an indispensable qualification except where they themselves made an exception as they did in Anant Vishnu's case. I submit this was contrary to the special orders of Government. I might add that this is evidently an appointment made contrary to the opinion of both the Collectors at the time.

The President:—Mr. Woodward had actually appointed him to act in a vacancy.

The Advocate-General:—It was only to fill a short privilege leave vacancy. You must remember that the man had been reduced even in his position of aval karkun so lately as June 1886. It was said that Mr. Crawford had called for papers before Paranjpe could have had any interview with Mr. Crawford. If you look at the memo. dated 27th January 1887, you will see that it was a mere office endorsement sending for the papers. It calls for the original file of papers connected with the reduction. On the 27th January we know Mr. Crawford was out on tour. We know by Deshpande's evidence that he went on the 10th January, and did not return till the end of the month. It is not a personal action of the Commissioner. Then comes the 19th February. I think Mr. Crawford rather throws the responsibility upon Mr. Woodward, when he invites him to say that Paranjpe should get his mamlat. (Reads Mr. Crawford's note on the subject.) "I observe that Mr. Woodward has from the first been apparently of opinion that the petitioner has been hardly dealt with, and has been willing to give him another trial in a mamlat. If am right in this supposition and if Mr. Woodward is, after his long and later experience of the petitioner, ready to take him again on probation, I will note him for the next acting vacancy." Now, Mr. Woodward does not write anything of the kind at all.

The President:—Mr. Crawford was right in saying that Mr. Woodward had recommended Paranjpe.

The Advocate-General:—But he seems to have changed his mind in later years. You will see from the last endorsement of his that he by no means encourages the man. The utmost he says is that he will raise no objection if the Commissioner wishes to appoint the man when he has passed the higher standard examination. And you will remember that long after that endorsement of 1884 the man, having gone wrong to some extent, was moved to a worse appointment even as a head karkun. Then, again, see what motive Paranjpe could have in coming here. If anything, his feelings ought to be those of excessive gratitude to Mr. Crawford, who put him back into his appointment, contrary to the opinion of Government and of every officer

concerned. Then there is no doubt that the man did draw the money; and if we were to reject his story, the question arises what he did with it. It may be said that the money went only to Hanmantrao, and never got beyond that. If that suggestion were accepted, the question is how his appointments came to be made? We find that a vacancy was created in Chandore by Nagarkar being moved to Mawal, and the vacancy was thus made for Paranjpe in the distict in which he was serving.

The Hon. Mr. Quinton:—Why was he not sent to Mawal?

The Advocate-General:—It would have been a most unusual thing to appoint him to an acting mamlat in another taluka. It would have been a very extraordinary thing to take this man, an aval karkun of a low standing, from the Nasik to the Poona Collectorate. Further, of course, the Commission remembers that his appointment was certainly not received with enthusiasm by the officers working in the Nasik district. Mr. Frost strongly remonstrated against the man's having any important charge whatever. He was then transferred to Peint, which allows Sindekar to go to Chandore; and, more fortunate than Sindekar and others who had served in Peint, he was in a very short time transferred from that mamlatdarship of evil reputation. He was appointed to the place on the 24th April, and on 24th May he was transferred to a place in Sholapore. Mr. Crawford said the man was transferred because the civilians of Nasik had something like a prejudice against the man.

The Hon. Mr. Quinton:—It is natural that a Collector should try the best man he can.

The Advocate-General:—Certainly. But according to Mr. Crawford, Mr. Woodward rather liked the man, and there was no reason, therefore, to take him out of Mr. Woodward's jurisdiction about the time of his coming back. Now I pass on to Chowbal's case. Chowbal is one of the men who, as I reminded the Commission at an earlier period, not only thought himself an ill-used man, but also sent in a petition complaining of supersessions. Whether he was right or wrong in that opinion is a point which I do not think is worth while discussing.

The President:—The theory of his own was that if two men were acting *sub-pro-tem.*, the first must not revert, but the last men appointed *sub-pro-tem.* must revert. But if a man is appointed *sub-pro-tem.* for a particular person, when that person comes back, he must revert. That is the sense in which he complains of surpersessions. He started on a different theory, and did not speak of surpersessions in another sense.

The Advocate-General:—As I said, I do not propose to discuss whether he was right or wrong in his opinion. But the importance of the question lies in the fact that he did complain of supersessions, and the document shows that he was in a dissatisfied frame of mind at that time. (Read p. 76 Ex. A.) "I will not put him in from another division over the candidates of this division. He must take his chance in the Southern Division." Originally there were only two Commissionerships in the Presidency, and Colaba was originally in the Northern Division. When a third Commissionership was formed in November 1877, during the period of the famine, the Central Division was formed, and Colaba was then included in the Southern Division. That accounts for his having been in the collectorate which afterwards was attached to another division. He was at one time Chitnis to the Collector of Satara, and it must have been with reference to this that Mr. Crawford wrote the note in blue pencil that the man must take his chance in the Southern Division.

The Hon. Mr. Quinton:—But he was brought into this division in 1883.

The Advocate-General:—Yes. I think Mr. Elphinstone had been Collector in those parts, and he brought the man with him. However, that was given at one time as a reason why he was very much delayed in getting any appointment under Mr. Crawford. He is next really on the record to Bindoo Gopal; for you will find that, with the exception of Moreshwar Vishnoo, who was afterwards put down, no one intervenes between them. But afterwards the two come together, Bindoo Gopal and Chowbal, having passed their examination on the same day. Mr. Crawford must have very soon rescinded his opinion, because on the 9th January 1887 he gazettes him to be *sub-pro-tem.* in the Nasik district. Chowbal does not press the case home against Mr. Crawford; but an important point in his evidence is that he speaks to the presence of Hanmantrao at Kirkee in Mr. Crawford's company, and to Hanmantrao interfering in the conversation about appointments. If his evidence is accepted, it does not, of course, go to prove corruption against Mr. Crawford, but it shows that the connexion between Mr. Crawford and Hanmantrao was perfectly different from that admitted by Mr. Crawford. Well, Chowbal seems to be a man of a rather discontented spirit. There is no doubt that the thing that weighs upon his mind is his having to revert. He thought that he ought not to, and he fights the matter with the Accountant-General,

and he petitions to Mr. Crawford. In fact, the suggestion is made by Mr. Crawford or his counsel, I do not know which, that he had animosity to Mr. Crawford, because he was not supported by Mr. Crawford in his conflict with the Accountant-General. There is no doubt that he did draw a lump sum of pay on the 12th April. About the same time, I think my learned friend said that it was not by Mr. Crawford's action but by the Collector's action that Chowbal found his way to Rahuri, where he was head karkun. But that does not seem to me in any way to militate with what Chowbal has said that Hanmantrao had pointed out to him that Mr. Crawford had ingeniously brought him to Rahuri, where he would revert to the head karkunship. I do not think it far fetched to suppose that Hanmantrao was not a person particularly remarkable for strict adherence to truth, and if he wanted to make an impression on Chowbal, he would say something like that. It is not to Mr. Crawford that Chowbal attributes that statement, but to Hanmantrao. Then you find that that incident seems to have produced the greatest impression on Chowbal's mind. Then comes the interview of the 15th April 1888 at Mr. Crawford's bungalow as to which there is one of these very unpleasant conflicts of evidence in the case. And then all along Chowbal says that the demand for money was made by Hanmantrao, and does not attempt to foist it upon Mr. Crawford. That, I think, is a strong indication of his veracity; for if he had been brought here to tell a false story against Mr. Crawford, he would not have stopped short at the crucial point. The important feature of that interview is the conversation with Hanmantrao, outside the bungalow, after Chowbal had left disappointed at the result, having apparently rather annoyed Mr. Crawford by his persistency. It was after Chowbal had given way and made a promise to pay that Hanmantrao brought back that order F-B, which manifestly bears an incorrect date.

The President:—The date is manifestly altered.

The Advocate-General:—Yes, it is a manifestly altered date.

The President:—Chowbal says quite distinctly that it was dated 14th April.

The Advocate-General:—The 15th was a Sunday, and Chowbal's belief was that it was dated on the Saturday.

The President:—It is not a belief; it is a matter of speculation.

The Advocate-General:—This is getting into a rather fine distinction of words. I am not sure that many of our beliefs are not matters of speculation.

The President:—If a wrong date is put upon a document, he has no more reason for the belief than I have. His belief is no more valuable than mine. It is no evidence at all.

The Advocate-General:—I do not demur to that statement. But his belief turns out to be perfectly correct on one point—namely, that the day was Sunday, 15th. It is a very common practice that when it is a Sunday, another date is put on an official document. I must plead guilty to having done that myself. And then you must remember that the suggestion was not part of his evidence-in-chief, but was elicited from him in cross-examination. It is possible that the document may have been written on a Saturday and lying in Mr. Crawford's bungalow, and Hanmuntrao took it out and took to himself the credit of having got it written. Mr. Crawford said that he sent it in the ordinary course to the office, but his memory is not quite reliable on that point. It is rather the reverse, as appears from these words. I first remember seeing Chowbal on the Bhusawal platform when I was returning from Calcutta in January 1888. I have no recollection of having an interview with him in August 1887. He never had an interview with him at which Hanmantrao was present and took part in the conversation. The petition (Ex. E. T.) I believed I received by post. I have no recollection on the subject. I see now by my note on it to Mr. Woodward (Ex. E. U.) that I must have received the petition from Chowbal. I have no recollection about this matter except what I gather from the documents. So we see that Mr. Crawford had not any independent recollection on the point, besides what he derives from the document. Mr. Crawford evidently sees nothing astonishing in sending such a document by the hand of the petitioner to the office. Then the alteration in the date is a mystery, as to which none of us has a suggestion to make, and I do not think there is any theory about it.

The President:—It is fair that I should tell you that it appears to us that the date was altered from 14 to 19 by some one who had not at the moment the official order of the 18th before him to enable him to fix the possible date. I think myself, without hesitation, that it is extremely suspicious and I do not think the less so because Pendse is the head of the office. When a document in a public office is tampered with in that way, it lies on the office to explain how it happened.

The Advocate-General:—It seems to me that if it were done for an improper purpose it certainly would not have been done in that clumsy manner. And I say the original date would have fitted in better with Chowbal's story than the altered date.

The President:—The inconsistency would be that the official order was passed on the 19th.

The Advocate-General:—But if a man has altered the date with a fraudulent intent, he would not be idiotic enough to do it so clumsily. I think your Lordship is rather speculating on the point. The alteration has struck us as a curious thing about the document, but it has always appeared to us that the alteration was against our story.

The President:—The document comes from the custody of the prosecution. It was in the office all along, and therefore people in the office must explain the alteration.

The Advocate-General:—The document has been round the districts, and the ink is very much more like that used in the districts. Then Chowbal is a man whose very caution in not directly implicating Mr. Crawford shows that he had not come here to tell a false story. But his evidence is of great importance on the indirect question relating to the connection of Hanmantrao with Mr. Crawford. The Tambe case is again a comparatively unimportant one. It is not suggested at all events in Tambe's case, that he has any animosity against Mr. Crawford or has any reason for cherishing animosity. The only words he attributes to Mr. Crawford which appear to have created a suspicion in his mind, were to the effect that there might be other reasons for his not getting promotion. The words, in themselves, are not open to suspicion; but the evidence of this man is again all the more important, in that he too does not implicate Mr. Crawford. It is perfectly plain that he drew money and paid it to Deshmukh to be handed over to Hanmantrao. By his own confession, Deshmukh is a witness of a very low character. He is Hanmantrao's sub-agent, and you can hardly imagine a man coming here to stamp himself with that character, unless he actually filled it. You find that Tambe draws money from the Savings Bank, and Deshmukh admits the receipt of the money. Nagarkar's, again, is a minor case. It was Nagarkar who, as I mentioned just now in another case, was transferred to Mawal, in order to make room for Paranjpe. He said that first he asked for a transfer and paid for it; but Hanmantrao told him that he should have a grade promotion instead of a transfer, and he did get a most extraordinary grade promotion. He does not seem to be a man of very surpassing merit. In fact, Mr. Keyser complained of him very shortly after his promotion. But he got his *sub-pro-tem.* in the third grade, although he was the fourteenth man in the fourth grade, in which there were some *sub-pro-tem.* men above him. He had originally applied for a transfer from Kerkella, where he was, and he had a strong motive for applying for that transfer, because he was lying ill with fever at that place. Mr. Crawford has himself recorded that fact in his note-book; and it surprises me that Mr. Crawford now says that he did not see the man at Kerkella, in face of what is recorded in his own note-book. (While on this point, Mr. Latham referred to the note and to Mr. Crawford's letter, dated 16th May 1887, to the Secretary to Government.) The learned counsel commenting upon these documents, said: It will be seen from this what a very strong motive there was for Nagarkar to do all he can to get the transfer. Again, Nagarkar is a man who appears to have had over-good treatment from Mr. Crawford. He does not say anything personally against Mr. Crawford, and I see no reason whatever for doubting his story as to the paymcnt of money to Hanmantrao. Then we pass on to Deshpande's case. He, again, is one of the men in the service selected for promotion. We know that he was selected to act as native Assistant, to be taken on tour with Mr. Crawford. His evidence again does not go direct to Mr. Crawford, but only touches Mr. Crawford through the medium of Hanmantrao. Mr. Crawford's explanation as to Deshpande's story is that he is a man whom he snubbed a good deal on account of his self-conceit. I cannot see any trace of this in Mr. Crawford's actions, except in that conversation to which Mr. Crawford says he had a witness who, although present in Court, was not called; and I may say that the conversation in the form in which Mr. Crawford stated it cannot possibly be credited. Mr. Crawford's evidence must certainly be incorrect, for he speaks of having his conversation with Deshpande after the reply to Mr. Hart. That must be incorrect, for the reply was not written till 17th March. On the other hand, we know that Deshpande was at Nasik on the morning of the 17th, so that he must have left Poona on the 16th, and the conversation, as Mr. Crawford puts it, cannot be correct.

The President:—I do not see what influence this has on the case.

The Advocate-General:—Well, Mr. Crawford says this conversation had the effect on this man's mind he stated. There is not much importance in the fact, but I think the inconsistency is on Mr. Crawford's side. But considering this conversation and the jeers at Deshpande, as Mr. Crawford puts it, it is hard to see that it is one of the slightest motives to give false evidence that could well be devised. Deshpande had certainly been raised to a position of importance. Why he should come here and give false evidence I cannot see. The other side evidently thought it worth while to put in Exhibit 142. Perhaps the importance which they have attached to it may have led me to exaggerate it, but it was a prominent feature in their cross-examination of Deshpande. Then to pass to Kelkar's case. He is a man of whom Mr. Crawford has expressed a very high opinion—an opinion which improved very much during his longer acquaintance. On the 7th July 1886 Mr. Crawford writes to Mr. Hart "Mr. Vishnu Raghunath Kelkar stands No. 11 on the 4th Grade only of Mamlatdars, and there are several men above him with vastly superior claims. He must I think be patient and modest. He is, however, a promising man." But Mr. Crawford's opinion improves very much in the course of the year, as you will find in Exhibit G-A, where Mr. Crawford, in reply to Mr. Monteath, on the 5th of May says: "I can give my unqualified support to this application. I look upon Kelkar as one of the most reliable of Mamlatdars." Kelkar is one of the most rising men by Mr. Crawford's statement. His case again touches Mr. Crawford very slightly, I admit. The men he implicates are rather Deshmukh and Hanmantrao, and the only thing he says against Mr. Crawford is the assertion that Mr. Crawford complained that he had maligned him. I think Kelkar saying no more than he did is rather in his favour. I can see no reason why he should have invented that story, and it appears Mr. Crawford has received anonymous petitions at that time, but I do not see what Kelkar could have to do with that. I do not see any motive for his coming here to press his case before the Court; but he does not try to do so, and, as I said before, he only implicates Hanmantrao and Deshmukh. He paid the first Rs. 100 out of his savings. There could be no mistake as to that. But my learned friend, although we have this fact corroborated, suggested that the story must be untrue, because the man had 450 rupees in his Savings Bank, from which he had drawn. But if you glance at the savings book, he had not Rs. 450 at his credit at Nagar. My learned friend is in error as to that.

(READS FROM BANK BOOK.)

The account was closed on the 18th of January 1888, and transferred to the head office at Nagar. It is like Sindekar at Barsi Road. It is a case where you can draw at a minor office, although you have to send to the head office to get the money.

Kacheswar is one of the oldest class of Mamlatdars who came in prior to the new resolution, in January 1879, and who was found in the higher grade in Khandesh. He was transferred to Peint. Of course it is quite superfluous to point out to the Commission the evil name Peint had. The Commissioners spoke of it as a penal settlement. And it was a serious matter to him—as a man in the second grade—to be sent there. Here is a man who again does not touch Mr. Crawford directly, and I submit that his evidence is perhaps in some respects the more valuable for that reason. Mr. Crawford is only touched by the fact of the man's payment through Hanmantrao, and although Hanmantrao told the witness that he spoke to Mr. Crawford, it might well have been a falsehood. That he paid the money directly to Hanmantrao is as strongly corroborated as any payment we have had, and I think you will find the complicated way in which the man gets the money is curious; how he goes to two connected firms at Amalner, and took hundis for Rs. 500 from one and Rs. 1,000 from the other.

The President:—If the man was ordered away, and had money in the Savings Bank would it not be a natural thing to take these hundis. Is it not easily explained in that way?

The Advocate-General:—Except that he does not get the hundi payable at the place to which he is going; but gets the hundi negotiable in a big city. But you see what he does with the hundis. He takes them to Poona and cashes them at a Poona firm.

The President:—But then again it may be he only brought them to Poona for that reason.

The Advocate-General:—I confess it is an ingenious suggestion, but I can see nothing to support it beyond its ingenuity.

We come now to Soman's case. He was the only man called who was in the first grade at the time Mr. Crawford became Commissioner. We had, of course, men like Baput who were afterwards promoted to the first grade. But he was sixth on the first grade when Mr. Crawford came into office, and all that he had to wish for was to end his service in quiet in the place where he was—near to where his children were being educated. It is quite evident from Mr. Loch's letter that this was the man's object. This is a case which touches Mr. Crawford directly. I would place it in the same category as Thakar's case, as the man was forced, or surprised rather, into a loan. This is a man whose story is in conflict with Mr. Crawford, both as to Mr. Crawford asking the money and as to Hanmantrao being present at the time. It is stated that Hanmantrao took him to Mr. Crawford, when he got his endorsement on the document marked A-J., in which he says he is able to meet the wishes of the man himself and Mr. Loch's intercession for him. That was not exactly the way in which it was done. Mr. Loch made some arrangements and probably they were carried out. Mr. Crawford applied to Soman for Rs. 1,500 on account, as he said, of the impending visit of the Viceroy. Mr. Crawford says it was impossible he could have asked him for that, for he had no additional expenses connected with the Viceroy's visit. Well, that may have been, but Mr. Crawford was a man who was always in want of money; and if at that time he was in no need of money except such as the coming of the Viceroy might bring upon him, it was unusual. But you must look at this as Mr. Crawford's condition. He always wanted money, and took it when he could get a loan; therefore what was more natural for him to give that as a reason for getting the money?

The President?—Was the money not paid on the day after the Viceroy's coming?

The Advocate-General:—Does your Lordship think so?

The President:—Yes, although he had the money in his pocket all the time.

The Advocate-General:—I do not see why it should be the 20th rather than the 19th?

The Hon. Mr. Quinton:—The Viceroy came on the 19th at 2 o'clock in the afternoon.

The Advocate-General:—He arrived at 2 o'clock in the afternoon. You will find that in Exhibit X-C.

The Hon. Mr. Quinton:—Soman said he did not know whether he paid the money on that day or three days afterwards.

The Advocate-General:—Of course it can be said if the money had really been wanted on that account, then Hanmantrao would at once have pressed him for the money. But we know in reality that Mr. Crawford always wanted money. You may say it was not wanted at that very moment, but merely that it was an excuse given when it was really wanted for the distress in which Mr. Crawford then was. Soman must have got that money on the 19th and left Poona on the 20th.

The President:—No, he did not go for three or four days afterwards.

The Advocate-General:—You refer to his cross-examination, I suppose.

The President:—There seems no doubt about it.

The Advocate-General:—Well, he may have left Poona before daylight on the 21st. He says himself his recollection is vague. He sees Mr. Crawford on the 18th; and if he left on the 20th, that would be the third day, according to native calculation. Soman is a man who it is impossible to suggest had any animus against Mr. Crawford. He says that he understood that the money he was giving Mr. Crawford was a loan; but I submit this comes under the graver offences charged, as at the same time Mr. Crawford writes a favourable endorsement on the man's petition. Of course he is mixed up with one of the minor charges, but that, I think, I will defer till I come to speak on that question of subordinates.

Then we come to Dravid's case. This is one of those cases of the restoration of a degraded man.

The Hon. Mr. Quinton:—Is not that too strong an expression?

The Advocate-General:—Well, he had been put out of a higher position. Of course I quite grant you it is temporary rather than permanent, but I do not think there is any necessity for cavilling about terms. I admit that he does not say he saw Mr. Crawford at all. His story is hardly that of a man who had come to make a false case against Mr. Crawford. But he did see Hanmantrao and pay him. It is one of those cases which go to show the sort of position Hanmantrao held. He is taken to Mr. Crawford's bungalow, and there shown the list—A-E amongst the Exhibits—with the remarks against his name in Mr. Crawford's handwriting "superseded permanently."

That could hardly be the case unless Hanmantrao occupied a very different position to Mr. Crawford than Mr. Crawford admits. Dravid tells us, and I think very naturally, how he saw this document A-E—the list of graduates—and saw against it the remark that he was "not to be promoted." In regard to the mistake he made in his evidence, I think it is not the mistake of a man who was coached, as was suggested, before coming into Court. I think it is plain the man was right in saying as he said, and as he said in cross-examination, that he had not seen the list since the time Hanmantrao showed it to him. His mistake was just the mistake a man would naturally make. If he had been coached and been shown the list before coming into Court, he would have stated the right words. I think, therefore, his story displays the strongest marks of truth. Grave doubts have been suggested as to when these words were written. Mr. Crawford says these words were written before the last part of the marginal note. I submit to your Lordships that it is almost impossible to accept that because of the position of these remarks:—"This man was head karkun at Man, but was reduced to a clerk's place on the Satara Collector's establishment, in consequence of certain irregularities alleged to have been committed in the trial of a criminal case. The Commissioner (on 7th July 1884) decided he should not be again entrusted with magisterial powers for a period of two years, *but Government on* 20th *March* 1885 *reduced this period to one year.*" These remarks have been written in the last column. If you look at it, they must all have been written at one time, or almost all at one time, or before Mr. Kyte left the office, which was at a very early date. You see the pencilled notes to the head name are in his handwriting, and have been forced down below their proper place. This can only have been done before Mr. Kyte left the office. Then comes the conflict of evidence between Dravid and Mr. Crawford; but there is nothing to show that the evidence of Dravid is not that of a truthful man. Mr. Crawford gives the date of the erasure of the pencilled markings prior to Mr. Kyte's leaving the office, and the circumstances of the case are entirely in favour of Dravid's view. Supposing that this was a got-up case against Mr. Crawford in the Hanmantrao trial, does your Lordship suppose the counsel for Government would not have been furnished with this document A-E to back up Dravid's statement? It was not produced during Dravid's examination. It was put in at a much later time.

I think Pradhan is the least satisfactory witness that we have had. But at the same time I submit that something did pass between Pradhan and Marotee as to Hanmantrao, and probably Marotee's story is the more accurate of the two; that Hanmantrao's name was so familiar to people about the bungalow that when they were asked any big person came there, Hanmantrao's name was immediately mentioned. Pradhan takes his story very much further, and mentions Mr. Crawford's name in connection with the demand for money. I may say that this case differs from most of our other cases in the rather too exact correspondence of the witnesses, Pradhan and his cousin who confirmed his relative's evidence.

The President:—The other man's evidence corresponds with that of Pradhan so precisely that it shows an arrangement between the two, an arrangement at a time when the principal witness had not made up his mind to . . . . Pradhan was asked the precise words used and he said, "I only said I was a poor man." He then said "I now remember what else I said;" and then he tells his story. Now, if you refer to the other Pradhan, the cousin, his story corresponds almost in every word.

The Advocate-General:—They do not quite correspond.

The President:—He tells what Pradhan reported to him.

The Advocate-General:—Although I think that there is a good deal to show that there is something at the bottom of it, he is a man whose case looks more like being made up case than any of the others. A curious thing is he differs in caste from most of the other witnesses. Then again, his payment is made to Hanmantrao; and I think the value of the case is in showing the place which Hanmantrao filled in the imagination of all those around Mr. Crawford.

Patwardhan's Case.

We come next to Patwardhan's case. There will be no doubt, I think, in the Commissioners' mind as to the payment of the money; but there is no attempt made by the man to connect Mr. Crawford with the payment. That gives his story all the more appearance of truth, when he says that Hanmantrao was the person who had taken him to Mr. Crawfords' bungalow. I quite agree that Hanmantrao might introduce a man to Mr. Crawford without having any guilty design in the matter. The question

of payment was not mooted till some time after the introduction, but the important point is that the man who originally introduced him was Hanmantrao. If this were a concocted story, you would have had it from the witness that Hanmantrao had demanded money at the time of the introduction, instead of saying that it was done six months later.

The Hon. Mr. Quinton :—If Hanmantrao introduced any man to Mr. Crawford, that would not be inconsistent with the relations which, Mr. Crawford said, he had with Hanmantrao.

The Advocate-General :—Perhaps not ; but Mr. Crawford himself says that Hanmantrao never introduced any man to him.

The Hon. Mr. Quinton :—Mr. Crawford does not admit that ; but what I mean to say is supposing that Hanmantrao did introduce people to Mr. Crawford, it was not inconsistent with his relations to Mr. Crawford of a money-broker only.

The Advocate-General :—But it is inconsistent with the account Mr. Crawford gives of his relations with Hanmantrao.

The President :—Does not the history of the transaction in this case absolutely negative the idea of any bribe paid to or for Mr. Crawford ? The whole account is that Pendse was pushing him on, while Mr. Crawford put him back, both before and after the bribe was said to have been given.

The Advocate-General :—There is only one occasion on which Mr. Crawford held him back.

The President :—Pendse recommended him for a mamlat long before he got it, and the occasion on which Mr. Crawford held him back was the one on which Pendse had been putting him on.

The Advocate-General :—I must here differ from your Lordship. I cannot find anything as to Pendse having recommended him before he got his mamlat.

The President :—Oh, yes, he did.

The Advocate-General :—He says, " a graduate was appointed above me, &c."

(Reads.)

The President :—Well, now, just refer to Pendse's evidence.

The Advocate-General reads that part of Pendse's evidence. (Reads.) The man does not implicate Mr. Crawford in the actual levy of the money, which makes it all the more probable that this is not a got up story.

Then we come to the case of Khasnavis, which is an important one. Khasnavis is in a different position from that of the rest, because he is the one man on whose character any imputation is made by the defence. It is a remarkable thing in this case that you are asked to find that all the witnesses who had appeared for the prosecution had perjured themselves, although nothing could be said by the defence to impeach their credit except in the solitary instance of Khasnavis. There have been anonymous petitions against him, and it is said that he has accumulated a good deal of money ; but whether by foul means or fair, there is no means of saying at present. He is now under suspension. It is remarkable that you find only this one man against whom anything can be said. I think my learned friend said that the story was impossible as to the dates, and your Lordship seemed inclined to agree with him. I think from his evidence that he visited Poona directly after handing in his petition, on the 14th August.

The President :—In his cross-examination he admitted there must have been a Sunday between.

The Advocate-General :—There is one thing by which I had hoped to fix the date, by the date of Mr. Grant's visit to Mr. Crawford. But, unfortunately, Mr. Grant's memory does not enable him to fix the date of this visit.

The President :—I think it is quite clear it was on a Sunday he got the leave of absence.

The Advocate-General :—If he was aware of the difficulty, he would have stuck to his statement, or said he had got the leave before. I do not think in his examination-in-chief he said anything at all as to whether he came with leave or not.

The President :—See what you find here. He says, " After sending in my petition, I came down to Poona. I cannot fix the date. I did not get leave to come to Poona. I came on a Sunday."

The Advocate-General :—I think there is a difficulty as to his exact dates. But at the same time, there are some extraordinary features in this case. It is almost impossible to understand a certain action of Mr. Crawford in connection with it. That

endorsement on H-T is most extraordinary, except on the supposition that Mr. Crawford made all these appointments at haphazard without looking at anything. (Reads.) " Applications for deputy Collectorships should be made direct to the Private Secretary, whose list is at present full as the undersigned knows. The applicant stands, however, so high on the list of the 2nd grade mamlatdars that he will certainly get his promotion soon to first grade, and in the meantime he should follow the Collector's advice and pass higher standard examination." Khasnavis was at that time actually at the bottom of the list, as your Lordships will find by looking at it. At the time when Khasnavis was at the bottom of the list Mr. Crawford wrote that he was so high in the grade he must soon get his promotion to a first-class mamlat. It is hard to see how Mr. Crawford could have written that except on the supposition that some influence was at work. Then it is pretty clear that Khasnavis has been borrowing money from Talloo, and there is no reason to suspect Talloo of fabricating documents. Although Khasnavis appears to have had money at the time, he is a man who prefers to borrow money for the purpose of paying it to others. As to one of the payments I think it is clearly proved beyond suspicion.

The President:—I do not know whether you have noticed that neither the first nor the second payment is represented by Talloo as being made on a Sunday at all.

The Advocate-General:—It may be that Khasnavis has attributed greater exactness to his recollection as to the dates than is really the case. But I do not see any reason for doubting the loans. You remember that the Rs. 1,000 loan which is made to him by Sathe was repaid by Talloo through the Patel, and we can see no reason why the Patel should be willing to assist an untrue story. My learned friend seemed rather to impeach Sathe's books. Sathe is one of the great bankers in Poona. My learned friend suggested that the books were concocted, because interest was not charged upon the loan, though the money was advanced for a short period. There was not a single question put, nor any suggestion made, to show that there was anything wrong in the books; and therefore I do not think any suggestion of that sort should have been afterwards made without any reason against a firm of that character. The trivial matter of the interest for five days was hardly worth while raising. It was stated that Khasnavis had certainly a good deal of information as to what was going on, and that he must have been, to some extent in Hanmantrao's secrets. This was said with reference to his story about the bond. Khasnavis is not himself directly in Mr. Crawford's secrets. Then how could he have known anything about that bond? And is it not almost certain that that part of his story is true? He mentioned the names of the creditors; and your Lordships must have seen that they were certainly not assisting the case of the Government in any way, and they would not say a single thing, except what was forced from them, in consequence of entries in their books. Now, how could Khasnavis have known anything about the loan—that there was a bond for Rs. 6,000, and that it was to be paid off by instalments of Rs. 400? If he was telling a falsehood, see what a weapon he was placing in the hands of the other side. Mr. Crawford could have at once shown the bond, if it was in his hands. If the bond was not paid off, then it would have been in the Marwadee's hands, and if Khasnavis was not telling a true story, he was exposing himself to complete contradiction as regards that part of his story. But there is no reason to doubt that part of his case.

The President:—It is no doubt a very important part of the case. Does he fix the date? I want to see how far he was incurring risk by saying that he had paid Rs. 400 to a Marwadee and made an endorsement on the bond.

The Advocate-General:—Well, the date is shortly after Talloo's advance of Rs. 500 on the 4th September. You will see from what he says (the top of page 198) that he fixes the identity of the bond pretty well. " I do not remember the date of the bond or the names of the Marwadees. On the bond I endorsed the date and Rs. 400. There were above similar endorsements as to other instalments." You will see from this that the man had completely put himself in the hands of the other side. If there was no such endorsement, they would at once have contradicted him by producing the bond.

(AFTER TIFFIN.)

The Advocate-General:—I trust your Lordships will excuse me for going back to Exhibit F-B.

The President:—You will perfectly understand, Mr. Advocate-General, that when I throw out suggestions for elucidating doubtful points. I must not be understood to be expressing any definite opinion, one way or the other.

The Advocate-General:—I find that I have materials before me to show conclusively how the alteration was made in the date. I ask your Lordship to look at the document.

The register shows that the date was the 19th, as the letter was sent to the Collector of Satara on that date. The usual mode is to put 14-19; but here the alteration was made to 19. I think there can be no doubt that this alteration was made because that was the date on which the document was sent out.

The Hon. Mr. Quinton:—But no one in the office had any right to alter the date made by the head of the office.

The Advocate-General:—There you are passing on to another point, as to irregularity. I admit any amount of irregularity in any office under Mr. Crawford's direction; I do not dispute it. But the point is that this is no fabrication. What they ought to have done was to put the 19 below 14, as has been done in the case of many documents. That is the whole secret of the alteration. There is no fraudulent alteration of any kind. The only further remark I have to make on this case is that there were conclusive reasons for not calling the Marwadi Tarachand. These Marwadi witnesses were all reluctant witnesses. He was one of those witnesses whom it would have been simple insanity for any counsel to have put into the witness-box, in order that he should make what statement he liked in cross-examination. We now come to Phadke's case. We have come to the conclusion of the Hanmantrao cases, except those that come under the forced loan category, and I had better take the cases in the order in which they stand. This is the first of the Abbas cases; and, of course, you are coming to a lower ground than even the Hamantrao cases, Abbas being engaged on loans of a more usurious character. Phadke is one of the petitioners, and one who petitioned rightfully. He is a man who undoubtedly was superseded. He seems to have been a man of considerable pertinacity, who knew how to fight his claims, and as you will see from Exhibit I-O, he did fight his claims. He represented that he had been ill-treated and been superseded, through no fault of his own, and he got the answer that his claims would be duly considered, and that he would be provided for after his seniors above him. But he averred that he had no seniors, and was bound to have his appointment at once.

The President:—There he is actually wrong, is he not?

The Advocate-General:—That depends upon the manner in which you look at it. If Mr. Robertson's principle was to be followed, he was the senior. Phadke was senior to all graduates, though, of course, graduates got very much quicker promotion. Look at Mr. Robertson's list, and you will find there were some non-graduates of the same grade who passed higher at the same time—I think, with the exception of Sindekar, who was the only man who had passed at an earlier date. There were no graduates who had passed at the same date and passed higher, with the exception of Choubal and Vinze. The others, I think, got moved away, as Pendse said in his cross-examination. Some from death and some from other causes, got moved away gradually. The appointments appeared in the *Government Gazette* of February 17, 1887, as you will see from Exhibit C-E. It was, no doubt, a wrong order, and, no doubt, dealt unjustly with Phadke, so that I think Mr. Crawford's note on it was an evident mistake. Although it was a mistake, it was a thing which rankled in his breast very considerably. Whether it was a mistake or not, it told heavily on Phadke, and one is not astonished at his taking the means he did to counteract it. He comes to Poona, and you have his interview with Abbas. You have also the statement of Abbas of his interview with Mr. Crawford. I would not ask the Court to place any confidence in the statement of Abbas standing alone. It is a curious and unpleasant feature in the case that this man has been selected by Mr. Crawford for the appointment, which, I think, I must call a confidential one—to be a go-between Mr. Crawford and his creditors to raise money It is, indeed, astonishing to find that such confidence should be placed in him. It quite clear that each of the witnesses, Phadke and Abbas, shrink from admitting that his hand was the hand that conveyed the notes to Mr. Crawford. But then Abbas admits getting his commission from Phadke, and you can have no doubt but that that is true. In regard to the raising of the money, the story gets to be rather a complicated one, but I think it is clear that he did raise the money. My learned friend asked the Court to discredit the story about the raising of that first sum of rupees. The case of the prosecution is that the money was raised on a hundi, as is shown by the documents produced. Here we are fighting by the help of the books, and it was only after getting a summons to have the books produced that we got any idea as to the real facts. Then when we got the books we got the proof of the payment. You see the hundi was not translated for a long time. We did not know about the hundi at the time, all we knew it was a hundi for Rs. 500. Then we got it translated, and we found it did not correspond with the date fixed by the evidence. When we got the books we found them to be different transactions although the amounts were the same. To those who

supported the case of Government the discovery was almost a surprise. After that in a very short time Phadke gets his promotion—no doubt a very proper promotion—and you find that letter 12, in which it is stated that the previous *Gazette* putting Phadke on to act at Khatao was an obvious mistake. (Reads) " With reference to your No. dated the forwarding a remonstration from Rao Saheb Luxuman Chintaman Phadke on his being gazetted to 'act' at Khatao, I have to state that this was obviously a mistake. The orders therein given are, however, cancelled, and Rao Saheb Luxuman Chintaman Phadke is transferred from Shrigonda to Karjat in your district, and should join directly he is relieved by Rao Saheb Ramchandra Appaji Mudhalkar." Then of course the Court remember the subsequent history of Phadke. I do not feel myself called upon to pronounce an opinion as to the gravity of his offence. It may have been like Vinze's. But it strikes one as being altogether an exceptional way of acting. Still I should not say there was any moral offence about it.

The President :—It is one of those things in which there may be no moral wrong in itself, but is very dangerous.

The Advocate-General :—Yes. Then you have his further story as to Abbas. And here again you can have very little doubt as to Phadke's story of raising the money. In fact my learned friend said it was a gross impropriety. I have no doubt it was. He borrowed money from a man in his own district. It was no doubt a breach of duty. But I do not think a man confessing to such a thing should discredit his story. However, he did it, and he may have to answer for it; and that he did get that money is perhaps as clearly proved as anything in the case. He received it through two Karkuns. I think there is no doubt as to Abbas getting it, but the difficulty was, was it paid to Mr. Crawford? Then you must remember what a serious view Mr. Crawford took of the matter, although I do not see how he should have changed his opinion. You find in J-T. Mr. Crawford says :—(Reads J. T.) Mr. Harvey's opinion in two letters was that there was no fraud committed in regard to the money. In Exhibit J.-S., page 324.

(Reads from Exhibit J-S.)

So I may say there is no material to show why Mr. Crawford should have changed his views in regard to the gravity of the offence.

The President :—In regard to Phadke getting that order as to his being suspended or reduced. It is said that was a previous order which was submitted to him.

The Advocate-General :—Yes. He had his choice.

The President :—Then he had chosen the one he wished; and yet he went back and immediately presented a petition against that order. Is it not curious?

The Advocate-General :—He seems to have made his best fight to get it reduced. But these later petitions are a matter for later consideration. Of course, that matter about the date of Phadke's petition is cleared up?

The President :—Oh, yes.

The Advocate-General :—Then we come to the Patel case. When we come to these men of lower education and intellect it is much harder to get a connected story. There is no doubt about one thing. They were in the hands of Abbas, and Abbas was getting money from them. It is more difficult to trace their direct communication with Mr Crawford. Abbas was actually writing letters demanding the balance of money agreed on by them. From I.-L. and I.-M. it is quite clear that the letter which was admitted by Abbas as his writing, is simply a letter corresponding with that sent to the other Patel. (Reads from I.-L.) " The reason of writing this letter is that when you left you promised to send the balance by the 22nd, consequently, I waited up till this day, but you have not done so. You should therefore send the balance to me by a money order within three days after the receipt of this letter. Should it not come, and should any harm come to you hereafter, it will not be due to me. Do you be pleased to note this." The system of corruption worked by Abbas is, I think, very clear. But when you come to see how far Mr. Crawford is touched by them, and whether they spoke the truth, when they spoke of direct communication with Mr. Crawford, it is a much more difficult question. I think myself from what I have seen of the bungalow that their description is extremely good. The place and the locality to which they went seems very clear. A much more difficult thing was their personal description of Mr. Crawford. No doubt the description given by the first man is an extremely bad one. The only thing I submit to the Court in regard to that is probably these men who have only seen Mr. Crawford once in their lives would find it extremely difficult to give an account of him. It is not at all the same as if we tried to give a description of a

European we have seen six months ago. It would be as difficult to them as if we tried to describe a native gentleman we had seen six months ago.

Coming next to the Tambe case, Mr. Latham said:—Tambe is a witness of remarkable intelligence. There is not the least doubt that he had a long correspondence with Kazi Abbas, and there is not the least doubt about his payment of money to him. The suggestion is that all this is merely part of an elaborate device of Kazi Abbas, who, no doubt, took the money, and assured Tambe that he would do what he could for him, but that all this was done behind the back of Mr. Crawford. Such a defence brings the matter into very dangerous proximity to Mr. Crawford, when it is admitted that the Kazi, who was one of his agents, was playing tricks of this kind. Taking the conduct of Mr. Crawford in the most favourable light, it shows what a dangerous thing it is to have in one's confidence a man of the type of Kazi Abbas, who did not scruple to use his employer's name. But Tambe goes further than that, and again I ask what possible motive he can have in coming forward as a false witness. The few relations he had with Mr. Crawford were of a most amicable nature, and it is difficult to see why Tambe, who seems to be a man who has had no Poona connections, should come here to tell a story which is false. Mr. Crawford himself admits that he took a keen interest in the man, and wrote a very strong letter of recommendation to Mr. Grant in his behalf. It is said that many people write such letters of recommendation. I quite agree that we all write them, but I hope we do so only when we know something of the person whom we recommend. All that Mr. Crawford knew about Tambe is that there he had a conversation with him about places and people whom they both knew. But there was nothing to show to Mr. Crawford the merits of the man, and yet he writes this letter to Mr. Grant:—(Reads). "I shall be awfully glad if at next Avalkarkun's vacancy you can give it to Raghunath Ganesh Tambe Kajindar, one of the old school, who has had a real bad time though he has even acted as Mamlatdar. Though he is not a B.A., I should not object on occasion like his to let one of the old school be Avalkarkun. I am sure the B.A.'s have nothing to complain of in this division."

The letter shows that Mr. Crawford took a warm interest in this man which could hardly be accounted for by a mere half hour's interview, in the course of which the man simply tells his own story which was not supported by his superiors, or even as far as I know, by any certificates. As to his having had correspondence with Kazi Abbas, and his payment of money to him, it is for the Court to say whether to reject the man's evidence. Tambe obtained a promissory note for the repayment of the money; but I do not think he has yet succeeded in turning it into cash. While here, I may say I do not at all attack Mr. Crawford for recommending Doolee Khan for reinstatement, and I think it was a mistake on the part of my learned friend to have attacked Mr. Ommaney for reinstating him. Mr. Ommaney was simply carrying out the determination which was come to by the gentleman for whom he is acting, Col. Wise. The Court will remember that for about two years before his reinstatement, Doolee Khan was living with Abbas. Mr. Crawford's account of it is this. (Reads documents relating to the subject.) It will be seen from this that there can be very little doubt that Kazi Abbas had recommended Doolee Khan at the time to Mr. Crawford's good graces. No doubt this should be coupled with what Mr. Crawford says about having known the man's father before.

About Barje case I have very little to say. Barje was a witness who was rather adverse to the side which called him. He was quite determined that he would say nothing that would in any way commit him to the payment of money to Mr. Crawford. When a witness has taken that line, whatever my own belief as to the truth of it may be, I do not wish to obtrude it on the Court. There can be no finding on this charge against Mr. Crawford. The man is determined not to say anything about payment to Mr. Crawford, and therefore he may be regarded as quite determined to exaggerate nothing against him. Therefore his positive evidence, so far as it goes, is of great importance. He is quite clear as to his visit to Mr. Crawford at his house, and what is more, his visit was in company with Kazi Abbas. This must be admitted to be true, for it is quite clear that the man did not come here to tell a got up story in order to convict Mr. Crawford of anything. He pledges himself that his visit to Mr. Crawford was with Kazi Abbas. Now this is entirely contrary to Mr. Crawford's account of his relations with Kazi Abbas. But if it is once admitted that Abbas introduced people to Mr. Crawford, it is obvious that the introduction must have been for the purposes suggested by the prosecution, especially when the introduction is denied altogether. I see no reason for Barje inventing anything. He says he presented a petition in person to Mr. Crawford. I do not think Mr. Crawford has any independent recollection of it,

but he thinks he received it by register post. In order to test this, we placed at the disposal of the defence all the documents received by us from the post office, but no use whatever has been made of them by the defence. They could easily have proved if any registered document had been received on the date corresponding to the date of the petition. Of course, the Court remembers that we ourselves made an application to call evidence on this point, but it was refused. That completes the Abbas cases.

Now we come to the two final cases on the list, those of Kharkhar and Bapat. Of these I first take Kharkhar's. Here you have a very promising man in the service, a man who has been selected for one of the three appointments of assistant to the Commissioner. Kharkhar does not seem to have received either much good or much evil at the hands of Mr. Crawford, his appointment being really due to Mr. Robertson's selection which was carried out, as a matter of course, in Mr. Crawford's time. There was one thing which had probably a great influence on the mind of Kharkhar, and it was that at the time, when he says he was asked to pay money and does pay it, there was a draft in the sending out of which he was deeply interested lying in the office. Taking Kharkhar's version of the story, it is rather a demand for money from a man who was in a dependent position. It is one of the cases of forced loans from a subordinate without any security, and there is no suggestion whatsoever of paying it back at a future time. It is impossible to conceive any motive on the part of Kharkhar to invent this story. Then you come to the last witness, who in the earlier part of the case was really held up to us by the defence as being the best man in the service, and whom Mr. Crawford had selected for particular honour, and that is Bapat. The only reason that Mr. Crawford can suggest of animosity on Bapat's part, on whom Mr. Crawford has really heaped promotions, is that he did not keep Bapat in his office, when he would like to have stayed there. Nor do I think that Bapat states the case in any way like a man who has bitter feelings against Mr. Crawford. He says that Mr. Crawford told him to regard the payment as a loan. There is very strong evidence that Bapat did draw money at the time. You find that he drew exactly the sum of Rs. 1,000 on the 5th June 1886, and he drew Rs. 700 from his wife's Savings Bank book. On the second occasion, he drew Rs. 300 on the 2nd February 1887 from the Savings Bank, to which he added Rs. 200 of his own. [Referred to Exhibit K-N. and K-Z.] There was an urgent summons which Bapat connects with this. It was on the 4th June 1886, the very day before he drew Rs. 700 from his wife's account. It is a private note, and it is difficult to see why Bapat should have preserved it, if it was not connected with some interest of his own.

The President:—It is the habit of natives of this country to preserve carefully every scrap of writing they get.

The Advocate-General:—Generally I find that if I want a letter from a man, I cannot get it.

The Hon. Mr. Quinton:—Oh, you do not get it; that is quite another thing.

The President:—As far as my experience goes, they keep every scrap of paper of any sort they receive.

The Advocate-General:—Well, I am not prepared to say that such has been my experience. However, I cannot say the reverse is the case. Here there is an exact coincidence between the receipt of the letter and the drawing of the money.

The President:—A coincidence of that sort does not come to much. He draws Rs. 700 in June and pays it back in July. I think this shows that this is evidently a transfer from some other bank.

The Advocate-General:—But no suggestion to the effect was put to him in cross-examination. There you have Bapat's case. I do not see anything improbable in Mr. Crawford, who was always in want of money, and has himself told us so much about his distress, forming a shrewd idea that Bapat was a man blessed with money and consequently applying to him for it. It is not a thing one likes to do; but when a man is once in that position in which he is anxious to get money wherever he can get it from, being always in need of money, the probability is that he will get it from whomever he thinks is likely to give it to him.

With this case ends the series of charges of corruption in this case. If the Court holds that these charges are all untrue, it must be done only on the hypothesis that there is a most gigantic conspiracy existing against Mr. Crawford. Who are the conspirators, and where are they? How is it that, if there were such a conspiracy, the officers in the employment of the Government of Bombay, who are tolerably familiar with native habits and who have this case in their charge, should never discover it? I have heard two names only suggested in this connection by the defence. One of

these is Bhimbhoy. The Court saw Bhimbhoy in the box, and I think you will have seen that he is hardly the stamp of a man for becoming a conspirator. There is no doubt that Mr. Crawford has annoyed him, and that in a letter to Mr. Muir Mackenzie he wrote a paragraph with an insinuation against Bhimbhoy. The insinuation was, however, promptly contradicted by Mr. Muir Mackenzie in his reply to Mr. Crawford, and Mr. Crawford seems to have been entirely satisfied with it. It is then a pity that, that being so, Mr. Crawford should have introduced that paragraph in the document appended to his petition, stating that he had brought Bhimbhoy's improper conduct to the notice of his superior officer, although he was aware that the superior officer had at once repudiated the insinuation. Then there is Balaji Gangadar Sathe. He has long since been sent away to a remote part of the Presidency, Ratnagiri. It is quite a distinct division, and the population is quite distinct from that of Poona. If it was a conspiracy formed by Sathe, the action of Government in sending him away to such a place would have at once broken it down. Pendse is spoken of by my learned friend rather as a man against whom a threat was held out by others. The threat was that if Pendse did not come to accuse Mr. Crawford of corruption, some one would say that there was an instance of corruption in the appointment of his own son-in-law. That seems to me to be about as unreasonable a suggestion as can be made. It is absurd to suppose that on that account Pendse should plunge himself into the thick of the conspiracy to ruin Mr. Crawford. Now take in mind the old maxim that nobody plunges at once into the depths of vice, and see who are the men who have given evidence in the case. It is hard to imagine that all these men should have lent themselves to a conspiracy—men against whom, with the single exception of Khasnavis, nothing can be said outside the bounds of this case. When you know that the defence was on the watch to see against whom they can make any suggestion, and when you find that Khasnavis is the only man against whom anything can be said, I think it is reasonable to say that they failed to find a word to say against any of the other witnesses, except what can be urged against them in their connection with this case. And if there was a conspiracy, see what its extent must be. It must reach into Nasik, Khandeish, Poona, and Nagar. It must spread southward into Satara, and must include mamlatdars and karkoons, Brahmins and Purbhus. If you have a gigantic conspiracy like this, you have to say who is pulling the strings of it. How is it that, although we have evidently keen-witted people on the other side, it has not been discovered by any? How is it that there was not a single weaker brother to be found from whom the secret could be obtained? It seems to me that the idea of there being a successful conspiracy can rest only upon two suppositions—that every native employé of the Government of Bombay is a rogue and that every civilian employé is a fool. Unless these two hypotheses be accepted, it is impossible that this conspiracy should remain undisclosed to the Government of Bombay. I do not think much as to what has been said about tainted witnesses and accomplices. I need not go into that point at length, because I have pointed out in particular cases how far a man is to be considered as tainted as regards his liability to criminal proceedings.

The President:—I confess that your view of the matter is not one which is generally presented to me. I always understood there was a careful distinction made under criminal law between a man who pays money under some kind of compulsion or coercion, and a man who pays it voluntarily, as a party to a free bargain.

The Advocate-General:—I can only say this—that there is not the slightest doubt as to what the views were of the very eminent lawyers who framed the Indian Penal Code, and there is also not the least doubt as to what the other eminent lawyers who made the second report thought. Every man who gave a bribe was not held liable to punishment.

We know the ordinary objection made to the evidence of an accomplice. It is that an accomplice is fixed, and his own guilt being established, he tries either to cast the crime upon others or to minimize it by dragging some one else down with him. In this case, however, the men were impelled by no such motive to give evidence. Nay, they could have effectually screened themselves by screening Mr. Crawford.

The President:—If they make statements criminating Mr. Crawford and implicating themselves under a full and well founded impression that if they do so they would not be punished, are they not, therefore, liable to punishment.

The Advocate-General:—There is only a moral blame attaching to them; supposing the men had simply said they did not give the money, there was nothing to prove the offence against them. As for the insinuation of coercion, the Inspector-General of Police was put into the witness box and asked as to his dealings with every one of the witnesses, and I say with confidence that there has not been the slightest attempt to

put pressure on any man to get him to incriminate himself. It is entirely a mistake to suppose that Kalowde was suspended because he would not make a statement. There is a great deal behind, and there are plenty of grounds for his suspension. I emphatically deny that those mamlatdars who have denied that they have paid money to Mr. Crawford have been suspended. That is simply an absolute fiction. All that the men who were before Mr. Ommaney had got to do was, if they were innocent, to say so. If there was information against them, they had, of course, to clear up their conduct, and it is hard to see why there should be any information against a man who has done nothing wrong.

WEDNESDAY, JANUARY 16.

The Advocate-General continuing his address said: Before I resume there is one rather trifling matter which I may remark on, and that is a suggestion regarding a matter to which the Commission called my attention as to that Rs. 1,800 credited to Bapat in July. The Savings Bank rule allow that not more than Rs. 500 can be deposited by any depositor in a year.

The President:—Where does that appear?

The Advocate-General:—It appears in the rules.

The President:—How does it appear?

The Advocate-General:—It appears as a deposit, but the rule is that no one can deposit more than Rs. 500 in a year.

Mr. Quinton:—I am inclined to think that the rules have been altered of late years—In June 1886.

The Advocate-General:—No, they did not put any date to the rules. As it happens we know how it came to be that by Government resolutions all the district banks were ordered to be closed, and the amounts in them transferred to the Savings Bank. This was in June 1886.

Mr. Quinton:—Is that the Post Office Savings Bank?

The Advocate-General:—That is the Post Office Savings Bank.

Mr. Quinton:—Where did the Rs. 1,800 come from?

The Advocate-General:—From the District Bank.

Mr. Quinton:—Are you quite sure it is in the financial year?

The President:—Between April and December?

The Advocate-General:—Would that not cover two financial years? Of course, I have not the book to show whether the transfer made comes under these rules. But then, I think, looking at the way it is done, that order has not been in any way altered on this matter. No dates are given to the rules.

Mr. Quinton:—The Postal Guide has the rules for money order in it.

The Advocate-General:—I see by the rules in 1888, the amount of deposit is still the same. That has been always my idea, still it is not a very certain matter. Well then, having done with the charges of a more serious moral character, I proceed to the charges which are breaches of the orders of Government. The first of these charges is the borrowing of money from money lenders in the district. There can be no doubt as to these, therefore it is unnecessary for me to trouble the Commission about them. Mr. Inverarity asked why when these borrowings were admitted, we should trouble ourselves to bring any evidence on the subject. In a case involving a moral offence you may say Government would deal with equal severity with its officers, whether the corruption be Rs. 100 or a lakh of rupees. It would be impossible for the person guilty of such a charge to serve again under Government. But here you come to charges which are not moral offences in themselves, and the amount must be of great importance to Government in deciding the course which it will take in respect of these charges. We have, of course, taken pains to exclude everything which is not directly within the prohibition. We make out the total amount of borrowing in the districts to Rs. 68,500. I do not know whether the Commission find it within their province to deal with this matter, or whether they should leave it to Government. I presume it was with regard to the Commission dealing with the matter that certain exhibits were put in by the other side. There is a suggestion that this borrowing must have been known to Government before.

The President:—It will not affect the conclusion.

The Advocate-General:—No, but it shows great indulgence on the part of Government to Mr. Crawford. In these transactions there is nothing which shows that Mr. Crawford admits his indebtedness within the division. The borrowing transactions with subordinates are comparatively small, because these subordinates are not persons

possessing a great amount of money or great monthly incomes. Taking the order as they appear in the list of charges, the first case is Soman's, for 350 rupees in February or March 1888. There can be no doubt as to the raising of that sum, and the question is whether it was a borrowing or whether it was in exchange for a cheque given by Mr. Crawford. In that point I must ask your Lordship to hold that Soman is right and Mr. Crawford is not. Of course, we have the oral evidence which is contradictory —Soman's and Shridhar Waman's on the one side and Mr. Crawford's on the other. Look, however, at the circumstances; they speak for themselves. Here is a mamlatdar who gets a cheque for Rs. 350, and what he did with it is not suggested; but it appears he has not presented it up to this date. To a mamlatdar Rs. 350 is about as a large sum as Rs. 5,000 to a high European official. You could not suppose that he would tear up such a cheque, and throw it into his waste paper basket. If so, there must have been something very strange about the transaction, which induced him not to present it. Mr. Crawford is perfectly wild about his cheques as we know, and he has prevented us from testing this matter by destroying the counterfoils of his cheques. We know at any rate that such a cheque was not presented at the French Bank, and we know there was no allowance made for it. Some attention ought to be paid to this part of the evidence, and the absolute recklessness with which Mr. Crawford puts forward this part of his defence. Then you have Soman who did what he could to get the money back. You have the evidence of Shridar Waman, but not a single question was put to him by the defence. "I saw him outside the kachori at the Junction of three roads. The mamlatdar was there, V.B. Soman. In my hearing Mr. Crawford asked Soman for money. He said he had no money for expenses and asked the mamlatdar to lend Rs. 100 or Rs. 150. He said he would send a cheque for that amount afterwards. On a subsequent occasion I wrote a letter to Mr. Crawford. The mamlatdar asked me to do so. The letter was in English. The mamlatdar does not know English. The letter was despatched. It was given to a patawala in my presence by the mamlatdar, and the patawala was told to post it." It may have been on a slip in my learned friend's memory, but not a question was put to Mr. Crawford as to whether he had received such a letter. But I hope myself for indulgence for any matters that may escape my memory, and I am sure I am willing to concede such indulgence to the other side. But putting all these matters together, they show that Soman's is the story to be accepted. Wad's case is a trifling matter—only a question of 150 rupees. Wad says he lent it, but Mr. Crawford says he did not borrow it. It is not a case got up against Mr. Crawford; and the probability is that Mr. Wad is right in what he says, and that Mr. Crawford's memory is defective. This shows the enormous danger of taking money without giving security at the time, especially if the taker is reckless in his money matters. He borrows and forgets what to him is a trifling debt. It is serious to the lender, but he does not venture to dun a superior officer; and that is why, I take it, this borrowing is a matter to be reprobated. Then you have Pendse's case, in which again there is no doubt as to the borrowing of Rs. 300, and no repayment of it. There is a conflict of evidence on the subject of what that borrowed money was for. I confess, to my mind, it was a matter of no moment until it was made a point of in the defence.

The President:—Do you assume that this has been borrowed. It is a matter for argument.

The Advocate-General:—Your Lordship is, I know, a great authority on common law pleadings, which I am not. But I confess that in this case, there seems to me no doubt of the borrowing, whether I ask a man to pay the money to myself, into my own hands, or ask him to pay it to A.B. for me.

The President:—Is it borrowing if you buy a lot of goods on credit? That is no borrowing.

The Advocate-General:—That is putting it in a different way, but I would say this case is certainly within the meaning of the prohibition of Government. Of course the mischief is all the same. There is no doubt in my mind that we should describe this as borrowing, whatever the hand that received the money. I really cannot see the difference between asking a man to pay money to myself or to my agent for me. Of course, it is a matter on a point of law, upon which the Commission have to decide, but I submit it is a case of borrowing. I do not want to go at length into the conflict of evidence between Mr. Crawford and the witnesses called in rebuttal, because it seems to me that the offence, if it be an offence, lay in borrowing, whatever the name by which it was called. But at the same time, I must say that Mr. Crawford's letter, L-W suggests nothing about this being for the sending on of any Government property what-

ever. We have produced evidence before the Court to show that no Government kit had left Poona at that time.

The President:—The letter does not speak of the sending of kit to Poona.

The Advocate-General:—It speaks of the sending kit to Kopergaon. Louis is the butler to whom the money is paid, and who sends a receipt for it.

The President:—Accepting the evidence of your own witnesses, the expenses with regard to the Government tents and everything else were paid by the butler. It is in evidence that the tents were being moved at the time from Nandgaon to Kopergaon, and not from Poona.

The Advocate-General:—The expenditure by the butler, who was Antone not Louis, was for the cartage where bullock carts were engaged.

The President:—If your witnesses' memory is to be trusted, the camp was removed from Nandgaon, through Nagar, to Kopergaon.

The Advocate-General:—I think the passage to which your Lordship is referring, comes in a little later. Nandgaon to Kopergaon is all rail. Here in Poona you have the office which supplies the money, and you remember that Mr. Crawford's own suggestion is that at the most one-third of it is attributable to the public service. But I think it is a matter with which it would be hardly worth my while to trouble the Commission at greater length.

That brings us to the end of the charges for the prosecution. Now I have to consider the evidence and the case made for the defence. A great deal of Mr. Crawford's evidence is evidence as to which it is impossible to say much or to test it by cross-examination. It is impossible to put to the test of cross-examination his profession of want of memory on all pecuniary matters. When a man says he has absolutely no recollection of what money he borrowed, it is impossible to go beyond that. But there are two or three points in which the defence is one which I can deal with.

We were promised a large body of witnesses to show that the evidence in this case had been elicited by officers of Government by unfair means. But we have seen that the number actually dwindled down to three, and the attempt to show the unfairness utterly broke down. The great witness for the defence was Kalowde, but he does not help very much the side that calls him. His evidence is of a most flowery description, and he is a man who had plainly dressed up his story before coming into the witness box. The Commission, no doubt, remembers his little rhetorical passage about his refusing to do anything against a lion in the toils. (A laugh.) He could not have said that to a superior officer, and if he did not say that, what an untrustworthy witness he is? Every one of the persons he has mentioned in his account has met him with a direct contradiction. Deshmukh, Deshpande, and Patvardhan have all explicitly contradicted Kalowde.

The President:—I think Deshmukh or Deshpande told him that if he made a statement he would be on the safe side.

The Advocate-General:—Our suggestion is that Kalowde was deeply dyed in whatever was going on, and it would be a perfectly proper thing to tell him to make a clean breast of it. And if any promise were made by a man like Deshmukh, it does not matter much, though it would be a dangerous thing for a man like Mr. Ommanney to say what Deshmukh is alleged to have said. There is a good deal to show from information in the possession of Government that Kalowde was sounding people to see how he could make himself safe. Kalowde is a man whose written account of the conversation he had with Mr. Nugent, in which he uses the expression I have already referred to, cannot be depended on.

The President:—The question is how far the account differs in substance from the evidence of the other witnesses on the same subject.

The Advocate-General:—We see how this man has coloured his account so as to try and produce an impression, and Mr. Nugent's evidence shows that the account was very far from being accurate. Kalowde said that Mr. Nugent had pressed him to go to Mr. Ommanney, while, as a matter of fact, all that Mr. Nugent had told him was that if he wanted to make a statement he should go to Mr. Ommanney. Then as to Kalowde's remarkable reference to the Whitechapel murder—

The President:—You need not trouble yourself about that, Mr. Advocate-General.

The Advocate-General:—That is a very ingenious, but as your Lordships will see, a very false statement. I submit that Kalowde is a man who is trying to make up a case. Men like Mr. Ommanney, Mr. Moore, and Mr. Vidal were put into the witness box. They are all gentlemen most scrupulous in what they say; and they accordingly tell your Lordships most properly that they do not remember Kalowde mentioning any names, but that they are not prepared to swear that he did not. The inference which,

I think, the Commission will draw is that Kalowde could not have insisted on these names, so as to make an impression on their minds.

The President:—Mr. Vidal said that Kalowde did go to him to complain of pressure. The importance of the matter lies in this, that he was then as well as now complaining of undue pressure.

The Advocate-General:—And he drew up that paper, after seeing Mr. Nugent and Mr. Ommanney. It shows that he was trying to prepare a case at that time. He was a witness on whom it would be entirely impossible to rely. Then you have the Parsee, to whom your Lordships, of course with the proper desire of narrowing the scope of the investigation, prevented us from putting questions which we were prepared to put. The third witness was the Hindu preacher. Mr. Ommanney believed there was information in that man's power, but when he tells Mr. Ommanney that he knows nothing about the matter, he is allowed to go.

The President:—He makes no complaint against Mr. Ommanney.

The Advocate-General:—No. So you see that the evidence of these witnesses for the defence dwindles down to very little.

I have two more points to deal with. With the first of these I shall deal with a very light hand, namely the circumstances attending Mr. Crawford's leaving Poona on the night of the 17th. My learned friend said, and said very rightly, that I had opened the case by saying that such a piece of conduct was not conclusive against Mr. Crawford. But that does not prevent the incident from being an important factor in the case. If I remember rightly, what I said was that you might account for it by supposing that a man's state of mind may be such that he may not be responsible for his actions, or that it is conceivable that a man may be of such a weak and nervous character that he flies from an accusation even when it is untrue. When Mr. Crawford was suspended, he knew that Hanmantrao was arrested.

Mr. Leslie Crawford:—I do not think there is anything in the evidence to show that Mr. Crawford knew at that time of Hanmantrao's arrest.

The Advocate-General:—Such is my impression, but if Mr. Leslie Crawford's memory is the other way, I would not pledge myself to my statement.

The President:—On what date was Hanmantrao arrested?

The Advocate-General:—On the 16th. It is certain that Mr. Crawford knew at that time that he was himself suspended, and that the inquiries were going on. The question is—Is there any evidence in the case sufficient to satisfy the Commission that Mr. Crawford was not responsible for his actions? We have, of course, Mr. Crawford's own assertion on that point; but I think it can hardly be accepted. The medical witnesses who have been called on the point seem to me to rebut the idea of unsoundness of mind. Both Dr. Macrury and Dr. Murphy were, no doubt, afraid of what might be the result of the communication to Mr. Crawford of the result of his suspension, and thought it was a matter which required great caution. I do not think it can be suggested on behalf of the defence that all caution was not observed in communicating the painful news to him. Mr. Moore did what to him must have been a painful office with all possible caution and kindness. I grant that it must, in any case, be a severe shock to the recipient of such news; but it is quite clear that what the doctors feared was that it would be a shock to the heart and not to the reason. Dr. Macrury says he was afraid of a shock to the heart, in consequence of the communication of the news to Mr. Crawford, and not of a shock to the reason; and Dr. Murphy has said very much the same thing. (Counsel read extracts from the evidence of the medical witnesses bearing on the point.) I do not think Col. Macnaghten's evidence is of much importance. I do not impeach Col. Macnaghten's good faith. He is a man whose experience in life must be very fortunate. He has passed his life in a cavalry regiment and has only once seen a man the worse for liquor. That is certainly very creditable to the regiment. Now I pass on to the letters which Mr. Crawford wrote, both before and after his suspension. The first letter (Ex. M-L.) has the disadvantage of not being dated. But I do not think there can be any doubt that it was written on Monday morning, the 16th, from the Western India Club. The letter was to Pendse and it says, (Reads letter)—"I fear that Mr. Sathe's infant son may still be ill and that he may, therefore, not be in office, so I write to you to ask to send me over here, by bearer, the three Lists, A, B, and C, which I have prepared about Watans and miscellaneous petitions. Please send all three—I have one or two things here which I hope to be able to send you in the course of the day. Don't let work get in arrears, please. Is there any Committee subject ready for us from the Assistants? If so, send over." I think the circumstances mentioned in the letter leave no doubt that it was written on the morning of the 16th, and it shows that Mr. Crawford considered himself

at that time fit to transact business. Then after the news of his suspension is communicated to him, you have these letters to Mr. Nugent and Pendse, which, I think, are as perfectly rational letters as any man can write. (Reads the letters.) "The Doctor have pronounced me unfit to do any work. I am going to take leave, and I have obtained permission from Government to hand over charge to Mr. Moore. Please do so, and send me the usual papers giving over charge." These letters are the most sensible that a man could write under the circumstances, and the letter to Mr. Nugent shows the writer's anxiety that the report of the suspension should be kept back, as much as possible, from the outside world. And then we know that Mr. Crawford was not doing at the time that which might have deprived him of mental control. He tells us himself that he did not indulge in excessive liquor, though I can quite understand that a man, situated as he was, might have done this. We know from Dr. Murphy that if there had been any excess of that kind before, it was abandoned during those days. I submit, therefore, that Mr. Crawford's conduct was that of a rational man who deliberately plans his escape, and very nearly succeeds in effecting it. There is no doubt that he wrote a letter suggesting that he was about to commit suicide. He then left his house and came down to Bombay. He was watched by a policeman, and we know how that was done. We know that Mr. Ommanney, in the discharge of his duty, thought it expedient to put somebody on the look out to watch his movements.

Mr. Quinton:—Mr. Ommanney, of course, did his duty.

The Advocate-General:—No doubt. Then, to continue the narrative of the attempt to escape, he, Mr. Crawford, writes a letter which is just a letter as a man intending to escape and in his sound senses would write. He does not go in person to the office of the P. & O. Company to buy a ticket. But he writes from a hotel, under an assumed name, saying that he has come down from Jubbulpore very ill to take a sea voyage, and offering to buy a passage by one of their outgoing steamers. Then I must point out that the only person who could furnish evidence as to Mr. Crawford's state of mind, on his return, were Mr. Crawford himself and those who were near him in his house.

The President:—He returned in custody, I believe.

The Advocate-General:—Yes, but he was allowed to go to his own house. I think the burden of proof, in a matter like this, lies on the person who says he was not in the state of an ordinary man. I admit, however, that this is not a matter which can be considered as in any way conclusive, as I have said all along. But the action of Mr. Crawford, such as it was, must be dealt with as that of a sane man, and not of a man who was not responsible for his actions.

The President:—What train did Mr. Crawford go by?

The Advocate-General:—The early morning train. This is a subject on which I do not wish to go into details, and I have not thought it worth while to do so. Although Mr. Crawford did not know at the time that a prosecution was instituted, he knew the nature of the charges against him. It was asked by my learned friend how it was that if Mr. Crawford really wanted to escape, he should not have effected his escape at a later period. Well, that was a time when he had determined on his defence, and it would have been ruinous to have then attempted to leave. He must also have seen that Government might do again what they had done before and got him arrested. Then a vast amount of decrees had been passed against him, and so there was not merely the Government to watch him, but there were also his creditors, who, if they thought it worth while to obtain decrees against him, would certainly think it worth while to prevent his leaving the country.

The President:—Were all these decrees obtained before or after his suspension?

The Advocate-General:—I think most of them, at all events, were brought after his suspension. When a charge of this sort, whether true or false, is made against a man, it brings down his credit at once.

Next we come to the pecuniary position of Mr. Crawford. The defence tried to make out that the command of money which he had in consequence of his vast borrowings ought to preclude the supposition that he also resorted to illegitimate modes of raising the money. The pecuniary position of Mr. Crawford is a difficult matter to deal with on account of the obscurity in which the matter is left by Mr. Crawford himself. All we know from his own statement, and I have no reason to doubt it, is that he was a man of the most absolute recklessness in pecuniary matters. Mr. Crawford pleads absolute ignorance in regard to his money transactions. (Reads extracts from Mr. Crawford's evidence.) My learned friend alluded to stories of Mr. Crawford having immense sums laid by somewhere. I think the Commissioners will bear me out that it forms no part of our charge, and all I can say is that we know nothing about it, one way or the other. But I am perfectly willing to accept Mr.

Crawford's statement in regard to it as true, as we have nothing to do with that matter here.

The President :—No.

The Hon. Mr. Quinton :—Mr. Inverarity, perhaps, referred to idle rumours going on outside.

The Advocate-General, after reading extracts from Mr. Crawford's evidence in regard to his monetary transactions, said: According to this evidence, Mr. Crawford never kept any accounts in his life, and did not know how he stood. He says that he destroyed all the counter-foils and cheque-books as soon as they were finished, and destroyed the incomplete ones some time during the 16th or the 17th. We are also told that Mr. Crawford destroyed all his bonds whenever they came back to him. A more melancholy picture of pecuniary recklessness and distress it is impossible to conceive, and it places us in this position—that if Mr. Crawford can tell us nothing more definite about his borrowings, it is, of course, impossible to say on our part what sums he borrowed, and how much he paid back. Far be it from me to say that because a man is absolutely reckless in money matters, because he is in great pecuniary distress, therefore he would commit offences such as those that are charged to Mr. Crawford. But all of us know, every man of the world who has any ordinary knowledge of human nature knows, to what strong temptations a man reduced to such a position is exposed. Although it does not follow that because a man is in distress and has delivered himself—I might almost say body and soul—to his money-lenders he would do a wrong action and take a bribe, yet we see the position of the man and his temptations and opportunities. The case of such a one is quite different from that of man who is on an even position with the world, and is not under such pressure. There is also a worse form of the offence of corruption. I can imagine a man who is corrupt from deliberate avarice, who practises corruption in order to heap up a pile of money. Such a charge I do not think is brought by any one against Mr. Crawford. But the instance is far more common of a man deviating from the right path when he is living from hand to mouth and struggling desperately to get on.

See what Mr. Crawford himself says :—

("I borrowed whenever I could get a loan," &c.)

Such are the general aspects of the case. I have attempted, as, no doubt, the Commission will attempt, to see what light the accounts throw on the matter. But I confess that the attempt has resulted almost in despair. The items on both sides of the account are missing, and it is impossible to arrive at anything like a balance-sheet of Mr. Crawford's affairs. All I do know is this—and we find it from those accounts which have been put in—that excluding what should properly be excluded, namely, the sums that are paid from what I may call legitimate sources, we make out that Messrs. Watson and Company received, on the whole, just under Rs. 43,000, and the French Bank about Rs. 23,590, making a total of about Rs. 66,580. Then, of course, Mr. Crawford had to live,—we know the style in which he lived—and whatever went to defray the expenses of his living must be added to this amount. The account shows Mr. Crawford's position of embarrassment, the utmost he could get from his pay being Rs. 650, which was afterwards reduced to Rs. 550.

The Hon. Mr. Quinton :—They were probably at Watson's or King's.

The Advocate-General :—This makes his case more and more hopeless. You know his means of payment. Mr. Crawford could not, under the most favourable circumstances, if his services had run on to the end of his career, have had the slightest chance of paying his debts. He has his pension, but the pension would nothing like cover the interest on these sums which are lent at over 20 per cent. interest. There are, perhaps, the policies and his property at Kirkee to rely on, but policies are not an available asset to rely upon during a man's lifetime. Therefore his position was absolutely hopeless. But reverting to what I was saying, his expenses could not have been less than Rs. 20,000, in addition to the sums remitted to Watson's and the French Bank. There is a sum of Rs. 85,000, which requires to be covered. If you go over the accounts, the deeper and deeper he gets into debt. The question is, how is it possible that Mr. Crawford could have raised the heavy loans required to amend for his payments, for generally, when a man's head is under water to such an extent, what happens is that he gets crushed under the accumulating interest. I think it does lie on Mr. Crawford to show how he is able to account for his excess of remittances to the bankers above what his avowed income was. Then we have a matter which I must deal with, unpleasant as it is, and that is regarding those loans so far as we know them. As far as I can work it out, I make the expenditure in all quarters, including repayments to creditors, come nearly to the amount of the alleged receipts from all quarters up till

the end of 1887. But that is giving Mr. Crawford credit for getting the full nominal amount of all that he professes to be loans to him, and will not cover the repayments to those creditors who have not appeared here. And in that I am giving Mr. Crawford credit for the money said to be raised on the promissory notes given to Shunkerlal. That is a matter I am bound to call the attention of the Commission to. There is something about these promissory notes of a most unsatisfactory character which I have to submit to the Court. These promissory notes in the name of Bookundass Shunkerlal, are, no doubt, in Mr. Crawford's handwriting. They mention specific sums and bear specific dates, but there is nothing to show us what they really represent. They are written on scraps of paper, bits of note paper, and there are some very remote in date which bear an extraordinary resemblance to each other. I would ask you to compare 308 and 319. But there is this remarkable thing about these notes, in looking over them the dates fit into the months with hardly any exception in which the raising of loans from other sources does not appear in the evidence. And there is one very curious thing about them. There is one which exactly coincides with the date of the alleged payment by Dabir, in which months there are considerable remittances made. This was in August 1887. In that month, if the statement I have got is correct, there was no loan derived from any other source proved, and there were remittances made to the extent of nearly Rs. 4,000. There were remittances to Nasik of Rs. 2,850, Rs. 100 to the French Bank, and Rs. 1,200 in paper to creditors. Altogether just about Rs. 4,000 were paid. I can find no trace in the exhibits, and I am quite subject to correction, but I think there is no trace of any receipt from any other quarter out of which to pay these expenses. Mr. Leslie Crawford shows me that he has in his possession a memorandum which was not put in. Of course, I take this for what it is worth. I do not look at it as very valuable. It is a pencilled writing on a copy of an old bond. There is no explanation of how it came to be here. 319 is the note that covers these Rs. 3,000 of 20th August. It is one of those to which I called the attention of the Commission regarding the peculiar paper on which it was written; and these notes have this peculiarity also that compared with Mr. Crawford's other pecuniary transactions that they are at an extremely moderate rate of interest. Then they are supported by the evidence of two witnesses for the defence Jamnadas and Rambhow, and these are witnesses whose evidence and books are of a very peculiar character. We do not even know when these documents were executed. It is said they sometimes do not represent the transaction of the day which appears upon them, and that Rambhow having provided himself with money some time before, put the day on which he had so provided himself and not the actual day of the advance. If the notes were genuine, one of them at least must be accounted for in some such way, Mr. Crawford was not in Poona on the day Rambhow swears he advanced money to him. That is Exhibit 315.

The President:—What is the date?

The Advocate-General:—18-4-87. That is the date of Mr. Crawford's return from Mahableshwar. He cannot have been in Poona that day. Here we have the evidence of two as unsatisfactory witnesses as ever appeared before a Court. We have first the evidence of Rambhow, a man who announced himself to us with a great flourish of trumpets as a gentleman possessing estates and great wealth. He describes his transaction with Mr. Crawford, as lending him money at the low rate of interest, of twelve annas per cent. per month. There the examination had to stop, as he had no books here at the time to show his transactions. He was recalled at a later time. Then the cross-examination comes; and what was the result of that cross-examination? This man turns out to be a man absolutely impecunious, who once had some land, according to his own showing, paying a very considerable amount of Government assessment. But he had not paid his assessments for years, and he had been thrown into prison by his own confession. And his assertion, that he afterwards discovered suddenly that he had another large estate, was certainly a falsehood. That he had accumulated money in his business was also a falsehood; and as to his partnership with Vijbhookhan, the whole partnership consisted in Vijbhookhan lending him money. I think without wearying the Commission by going through the details you will admit that that man was absolutely impecunious. His books show much the same thing. All the items in them are petty items, with the exception of these referring to Bookundass and Mr. Crawford. The largest amount, I think, which appears in any of them was a balance of Rs. 218 8 annas. Take the first year, in one account there was a balance of Rs. 50, in another Rs. 90-2, in another Rs. 100, and then you come to those two large accounts in regard to the transactions with Bookundass and Mr. Crawford. After that they dwindle down to small repayments, and in the last year two accounts have disappeared altogether. You can see from the books, too, that if there was a desire to fabricate anything, it could be easily done. Then look at the man's story.

He is advancing money at what I must call a singularly moderate rate of interest. He advances it at 12 per cent., to be reduced to 9 per cent., on punctual payment. But the interest is calculated at 9 per cent. though no payment is made. Why? Because, he says, he felt absolutely sure of being repaid. Is it possible, whatever be Mr. Crawford's desire to pay, that any man could have felt that certainty of a re-payment which had become an absolute impossibility with Mr. Crawford at the time. But you have to go beyond Rambhow. He has no money, and if he does make those advances, he draws the whole amount from his friend Vijbhookhan.

Then, we get to another witness of a curious character—Gangadass, who produces the books which prove to be the books of his deceased uncle. We get those books, and what do we find? A story of a most extraordinary character. Gangadass himself has lent none of these monies. They were all lent by his deceased uncle, Bookendass. He was a man who was never known, as long as he lived, to be carrying on any separate business at all. During the last months of his life he was infirm; he was confined to his bed, and his nephew was in the habit of running out and in of his house. You have these books produced, and then it turns out that the uncle is carrying on a trade as to the origin of which the nephew can form no idea. The books are kept up to the date of his decease and are in a handwriting utterly unknown to the nephew. Is that story credible for a moment? Is it possible there could be this secrecy of action, and books kept in this manner, in a handwriting as to the authorship of which the nephew is unable to form an impression? That story about the friend coming and writing in the books is a very extraordinary one. That friend, of course, was not available.

There appears, however, to have been some petty trade between Rambhow and Shankerlal Gandy. I must ask the Court to look at the books, and you will find that every amount that Rambhow proves to have advanced to Mr. Crawford appears to be drawn from Vijbhookhan. This strange partnership, without any documents to show what it is, does not seem to account for these matters. What you find is that Rambhow cannot be making anything out of these transactions. He draws money from Vijbhookan at the same interest as he draws from Mr. Crawford; and not only that, but he sometimes draws the money many months before he advances it to Mr. Crawford. You will find, as far as I can follow the books, the amounts in the two books very nearly agree, as the framers naturally would try to make them. These books again, I submit, are extraordinarily unsatisfactory in their outward appearance—books that might be made up at any moment, if wanted. They are of the most flimsy character. Now if you look at 1943 you find that Vijbhookan's account in Rambhow's books begins with a credit balance of Rs. 500. You find Rs. 7,000 on the 11th July which corresponds, no doubt, with the loans to Mr. Crawford of Rs. 3,500 on the 25th of June, and Rs. 3,500 on the 14th of July. Then you get an advance of Rs. 2,500 from Vijbhookhan to Rambhow which corresponds with the loan of Rs. 2,500 to Mr. Crawford on 10th September. And on the 1st of October there is a loan corresponding to the loan of 8th October. They are all at dates that precede the day of the payments to Mr. Crawford. Both sides swear that the Rs. 3,000 on the 11th October correspond with the advance of Rs. 2,500 to Mr. Crawford, less Rs. 500 being a repayment to Natu, and credited to Rambhow in Vijbhookan's account. Then you go on in as curious a way. During the whole of 1943 up to the 20th of August, Rambhow is making large advances to Mr. Crawford and getting no repayment; and although he does not do much in the next year, he made two advances to Mr. Crawford in 1944, which were more than covered by the repayments by Mr. Crawford in that year. That all the monies lent to Mr. Crawford are plainly drawn from Vijbhookan, and it is perfectly clear from Vijbhookhan's book that every advance is made for the purpose of being paid to Mr. Crawford; for every credit to Ramchander is earmarked as being paid to him for payment over to the Saheb or to Mr. Crawford, the two terms being synonimous. It is the case that every one of these items are entered in Ramchander's account with Vijbhookan for the year 1943. Now I may tell the Court what these were. (Reads from books list of items.) In these books you get a most extraordinary state of things. Prior to Vijbhookhan's death, Rambhow has fortified himself with an extra amount for the purpose of advancing to Mr. Crawford, which he does advance at later periods in the same year. This is absolutely inexplicable. Supposing he anticipated Vijbookhan's death, how had Rambhow come to calculate before that death what Mr. Crawford's wants would be for that year? The explanation is that the books are fabrications, and Rambhow was forced to put those entries there in order to account for the subsequent payments. As to the promissory notes, they are in existence, and they may represent something we do not know; but it would seem probable that they are fabrications too, and fabrications so devised as to prevent any investigation into the original transactions. Everything leads back to the entries in

the dead man's book made up by some unknown hand. It is absolutely inexplicable that Rambhow should draw this very large amount more than was wanted for payment to Mr. Crawford, and until such time as Mr. Crawford drew it pay interest on it himself.

This, my Lord, is the case which we have to present for the prosecution in our reply. The Court, I have no doubt, will most strictly scrutinize the documents and weigh the evidence. The Court will give full consideration to Mr. Crawford's evidence. He is entitled to that, but I submit he is entitled to no more. He cannot claim that his own word should be believed against all the weight of the evidence on the other side. Mr. Crawford cannot fairly claim that his own mere denial should be accepted by the Commission on the grave charges which have been brought against him. I do not deny that a man of high and unblemished character has a right to claim greater credence for his evidence than an unknown witness. But no one will say that Mr. Crawford's mere position on the service is in itself a refutation of the charges, seeing that he has himself prayed that no member of the service should sit on this Commission.

The President:—He has not put his defence on that ground at all.

The Advocate-General:—From certain remarks made by my learned friend, he seemed to suggest that when Mr. Crawford's evidence and that of a native witness were in collision, the native witness must go down. In concluding my address, I think I may say that it is a relief to all of us that we have come at last to the end of the enquiry. It is one which must be painful to all concerned—most painful of course to Mr. Crawford and those who are connected with him. It must also be painful to the Commission to try a man who has filled high and eminent positions under Government, and with such a previous history of his career as that of Mr. Crawford. I think all concerned will believe me when I say that it is not the least painful to those who had to conduct the prosecution. I have endeavoured myself, as well as my learned friend, Mr. Jardine, who was with me, to conduct this case with all consideration to Mr. Crawford, so far as was consistent with our duty of putting the case against him before the Commission in the strongest light. It is possible that the heat of advocacy may have led us beyond fair limits, but if so, it was from no deliberate desire so to transgress, and we regret it.

The President:—I do not think there is anything at all to apologize for in the way the prosecution was conducted.

The Advocate-General:—It cannot fail to be a matter of gratification even to those to whose lot it has fallen to conduct the prosecution, if your Lorships are able to say that Mr. Crawford has cleared himself of all the charges which have been brought against him; and it will be painful to us, if it should be the duty of the Commission to declare that he has not done so. If the charges were held to be proved, we should all feel it as not merely a misfortune to an individual Englishman, but as a discredit on the English name. But whatever the issue may be, I feel that we may leave it, on behalf of the Government of Bombay, as those who represent Mr. Crawford may do on his behalf, in the hands of the Commission with perfect confidence.

The business being concluded, the Commission rose shortly before 2 p.m.

No. 6.

DESPATCH FROM GOVERNMENT OF BOMBAY TO HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR INDIA IN COUNCIL, Revenue, No. 9 of 1889. Received at India Office, 1 April 1889.

MY LORD, Bombay Castle, March 15, 1889.

WE have now the honour in continuation of our despatch No. 8, dated the 1st instant, to submit the following further remarks concerning Mr. Crawford's conduct as disclosed at and in connection with the inquiry recently held at Poona by a special Commission. In that despatch and in the minute recorded by the Honourable Sir R. West, and concurred in by us, the judicial aspects of several of the cases brought before the Commission and the results to be deduced from them were fully discussed. The Commissioners as they dealt with the particular issues arising on each accusation, holding themselves tied as by a rigorous law of criminal procedure to the specific evidence admitted as directly relevant to that particular charge, were prevented, as it seemed to us, by a faulty method, from reaching a sound general conclusion. Probably

they considered that their function was limited to the investigation of individual cases, while the general results were matter rather for the appreciation of the Government which had ultimately to pronounce on the innocence or culpability of the accused officer. It is thus only that we can account for the slight and insufficient treatment by the Commissioners of such grave subjects of complaint as Mr. Crawford's hopeless indebtedness, his continual additions to his liabilities at a time when it was impossible that he could honestly discharge them, his total disregard of his implied undertaking when re-employed in 1874 to avoid further borrowing, his ostentatious employment about his house and person and in the transaction of public business of two such persons as Hanmantráo and Kázi Abbás, his dealing in horses, and especially his attempt to abscond from the country in disguise and under a false name. For us however and for your Lordship who have—not as having resigned our judgment to the Commission but with the aid of the Commission—to form an opinion on the fitness of Mr. Crawford to retain his position in the service of Government and of Her Majesty the Queen-Empress, the proofs of a general disregard of the obligations and even the decencies of his position manifested by him are matters of most serious moment. They deserve and demand close and careful consideration apart altogether from their immediate bearing on the charges of corruption. For the latter purpose they were of course only collateral, but their own significance is such that to allow them to pass unnoticed might be of fatal example to the honour and welfare of our administration. The Commissioners, however disinclined to pass beyond the narrow limits prescribed, or, as they thought, prescribed to them by the formal issues, have yet recognised indications of a mode of life and conduct on Mr. Crawford's part which wholly disqualify him for his position, and make his removal from the public service indispensable.

2. As regards the question of Mr. Crawford's indebtedness we would call special attention to the following passages quoted from his evidence before the Commission :—

"I have been 34 years in the Bombay Presidency. I do not believe I have a rupee anywhere. The expenses of this case have been altogether provided for me. * * * I kept no accounts at all, and did not know how I stood. * * * I have not found it possible to trace all the creditors from whom I have borrowed money in these years. * * * I cannot tell you what my present indebtedness is: it may be from a lákh and a half to two lákhs. * * * I don't know what my indebtedness was when I took up the office of Commissioner, Central Division. It is of no use asking me as to my indebtedness at any time before* June 1886 and the present time. I am personally unable to give any evidence as to my affairs. * * * I paid interest at the rate of $1\frac{1}{2}$ or 2 per cent. per mensem. * * * * I borrowed whenever I could get a loan, whether I had any immediate necessity or not. * * * * I have never kept any accounts. * * * Some Márwádis would take post-dated cheques instead of bonds. * * There were always promissory notes besides. * * * I renewed the loans on post-dated cheques, when they fell due, if unable to take them up. I generally renewed instead of paying. It is impossible for me to get a complete list of the creditors from whom I borrowed money in 1886, 1887 and 1888."

The above admission proves not only the extreme embarrassment of Mr. Crawford in his pecuniary affairs and his general recklessness, but it shows also how impossible it is to ascertain the sources from which he obtained the sums which from time to time he remitted to his banking accounts or repaid to his creditors. Beginning with the letter to the Private Secretary to the Governor (Exhibit 362), it will be seen that this document appears on the face of it to refer to the whole of Mr. Crawford's then creditors, and the debt is stated to be Rs. 2,20,000, or a little over, of which Mr. Crawford is thereby bound to repay one-fourth, thus securing "his complete official independence." This deed was never acted on, as Mr. Crawford states that he continued to pay off his creditors in full; it is quoted however to show the total amount of admitted liabilities in 1873–74. The terms were considered satisfactory by the Bombay Government of the day, and Mr. Crawford was re-employed, on his failure to obtain a post under the Government of Bengal. The next document bearing on Mr. Crawford's pecuniary affairs as far as they were brought to the notice of Government is a letter of 1884 (Ex. C) again transmitted whilst Mr. Crawford was on leave in England. In it Mr. Crawford again gives the Government to understand that a settlement was expected with all his creditors by means of an advance made through one of

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* *Sic.* probably should be "between."

the leading European agencies in Bombay, the security being said to be life policies, and the firm in question being empowered to draw the whole of Mr. Crawford's pay and allowances, making him an assignment monthly of Rs. 1,500 for himself and his family. The amount of the debt is not specified, nor are the details of the loan, but from the accounts furnished (Ex. D) it appears that Mr. Crawford received Rs. 650 monthly for the greater part of the period that has elapsed since his return to India, whilst the equivalent of 65*l.* sterling was sent monthly to his family. In cross-examination Mr. Crawford stated (Proceedings, page 290) that he believed that only about Rs. 60,000 of his debts were taken over by Messrs. King, King & Co., leaving outside the arrangement additional debts in India which he estimates at Rs. 30,000 to Rs. 50,000, and 1,200*l.* or 1,500*l.* in England,—a fact which, whether accurately stated or not, shows that Government were misled in accepting Mr. Crawford's statement in May 1884 as a complete exposition of his financial position. To receive Rs. 1,500 a month and leave all liabilities in the hands of a European firm of known respectability is one matter; but to receive only Rs. 650 and to owe to unknown creditors almost as much as was included in the arrangement is, for a man in Mr. Crawford's high official position and of his known social habits, a very different affair. However, Mr. Crawford, if he is to be believed, had reduced the Rs. 2,20,000, or thereabouts, of debt to something less than one-half in ten years, and had still five years and a half to serve, with some prospect of rising to a post carrying with it still higher official emoluments and a longer term of service.

3. Mr. Crawford returned to duty in India as Commissioner in October 1884, and has since been continuously in that position, having been transferred in March 1886 from the Southern to the Central Division. His chance of obtaining a seat in Council has been for the last two years absolutely set aside, and he was made aware of this fact before the last vacancy took place. His service must therefore terminate early in 1890, and he must have recognised this since the autumn of 1886. From his evidence it will be seen that he has taken no steps to free himself from debt, but on the other hand has raised his liabilities to 1½ or 2 lákhs, which he has therefore no chance of repaying. The Commission (page 7) dwell somewhat upon the fact of Mr. Crawford's credit having continued down to the time of his suspension, as no legal proceedings were taken against him on account of loans till after that event. This remark is obviously open to the objection that in no case is it clearly proved that the so-called loan was an advance at all and not a renewal of an old transaction, nor is it proved that Mr. Crawford ever received more than a fraction of what he signed for. In some cases (as, for example, Exs. LO and LZ) it is clear that the interest is deducted beforehand, and in Hanmantráo's case Mr. Crawford said: "*Bonds are always given for very much more than the sums received*" (Ex. B, page 7). The interest is as a rule from 18 to 30 per cent. per annum. It must also be noted that Mr. Crawford's borrowings proved before the Commission show that the transactions during six months of 1888 come to nearly double the nominal amount of those in the whole twelve months preceding that year, and to nearly four times that of the loans of nine months of 1886. The natural presumption is either that Mr. Crawford was paying off pressing creditors by borrowing money from others at exorbitant terms, which he knew he could never repay before he quitted India for ever, or else that the loans represent merely a statement of what was borrowed some time before, so that no cash passed at all. In any case it remains perfectly clear that Mr. Crawford was borrowing to an immense extent and largely increasing his liabilities to his native creditors at a time when he was perfectly aware that in no circumstances would it ever be possible for him to pay off his debts and satisfy the claims of his creditors. We cannot but regard his action in this respect as amounting to positive dishonesty.

4. Mr. Crawford's laxity in statement as to his money matters deprives of any substantial value the balance-sheet which it was attempted by those entrusted with the Government case to present before the Commission in reply on the whole proceedings, but taking only what is on the record there is enough to show the direction to which Mr. Crawford's affairs were drifting. It is also clear that both in 1874 and ten years later the representations made regarding his debts by Mr. Crawford or on his behalf were calculated to throw dust in the eyes of those who might, had they known the truth, have found it necessary to sever Mr. Crawford's connexion with this Presidency. From 1874 onwards Mr. Crawford received his full pay, and instead of settling with his creditors in full he only partially reduced their demands. In 1884 he misrepresented, as remarked above, the extent of the arrangement he had made, and since that arrangement was concluded he has doubled, or more than doubled, his liabilities,

especially that portion of them which he has incurred to the most rapacious class of money-lenders, the Márwádis. In his borrowing transactions he throughout systematically disregarded and violated the standing orders of Government.

5. But flagrant disobedience of well known instructions of Government to its servants prohibiting the borrowing of money from natives resident or carrying on business within their jurisdiction is not the sole act of misconduct of which in our opinion Mr. Crawford has been guilty in respect of his pecuniary transactions. The admitted employment by him of such persons as Hanmantráo and Kázi Abbás as his agents to procure for him loans seems to us to be a distinct aggravation of his offence. Abbás was a creature of Spiers, and was introduced to Mr. Crawford by Spiers, who had himself been mixed up with Mr. Crawford in Bombay and elsewhere in questionable transactions, pecuniary and other. He was a man of small means, and no character. Of Hanmantráo's antecedents, position, and reputation it is not necessary for us now to say much. The subject has been sufficiently dealt with in Sir R. West's minute, of which a copy has already been communicated to your Lordship. It was impossible but that Mr. Crawford should have been fully aware of the inevitable results of the employment by him, in the circumstances of the case and in the manner admittedly adopted by him, of these two men. He was not a new-comer in the country ; he was not ignorant of the ways of the natives, their customs, and their mode of thought. He must have known that a man in the position of Abbás would certainly abuse his intimacy with a person of the rank of a Commissioner of a Division, even assuming that he himself did not as alleged utilise Abbás' services for corrupt purposes. He must have been conscious of the danger thus incurred. He, even if himself innocent of disgraceful venality, could not but have realised the fact that the countenance and the ostentatious support he gave to Abbás and Hanmantráo, the intimate relations which existed between him and them, more especially Hanmantráo, and the unusually friendly terms on which he stood with a man of Hanmantráo's character and status, must without fail produce serious and disastrous consequences. It was not open to him to doubt that a Bráhman like Hanmantráo would, if placed in such a position of confidence and trust in such circumstances, utilise to the full every chance of deriving illegitimate gain from his open and avowed connexion with so high and powerful an officer as a Commissioner, even were that officer himself free from all taint of suspicion. There is no question but that a universal belief prevailed in native society, official and non-official, that in the exercise of his patronage Mr. Crawford was largely influenced by Hanmantráo, that this influence was purchasable, and that the money paid to secure it went in part at least if not wholly to Mr. Crawford eventually. The men who held this belief were not simple villagers merely; they were also astute and educated native officials, who drew their inferences from known facts, and who, when they paid considerable sums to secure favours, did not recklessly throw their money away, or give up their hardly earned savings without satisfying themselves that they would derive some advantage from the payment.

6. The theory of a conspiracy against Mr. Crawford on the part of native officials aided by other natives not in Government employ, whether such conspiracy assumed the form of a combination, prior to his suspension, to prefer false accusations against Mr. Crawford and to support those accusations by fabricated charges and suborned testimony, or took the shape of a league to concoct evidence and invent spurious complaints after it was conjectured or known that Government was actually instituting inquiries, seems to us wholly untenable. Yet, from certain observations recorded by the Commissioners on page 23* of their report, it would appear that the existence of such a conspiracy did not seem to the Commissioners to be at least impossible. This particular aspect of the question may perhaps be regarded as sufficiently dealt with in the minute by the Honourable Sir R. West, of which a copy has already been submitted to your Lordship with our despatch No. 8 of the 1st instant, but we would venture to submit some further considerations to the notice of your Lordship in Council, and in the first place would invite your Lordship's attention to the remarks made on the subject by the Advocate-General (page 52† of his printed speech). The history of the genesis of the inquiry, and of the sources from which information was obtained, has been given in detail completely though briefly in the letter of this Government to the Government of India, No. 5586—92 Confl., dated August 17th last,‡ of which a copy has already been forwarded to your Lordship in Council. The first tangible information concerning Mr. Crawford's alleged malpractices supplied last year was furnished at the end of April by Mr. Bhimbhái Kirpárám, a Gujaráti Bráhman, an officer of high reputation and character, who was not subordinate to

* *See* page 26 of this paper. † *See* page 190 of this paper. ‡ *See* page 293 of this paper.

Mr. Crawford, had only been resident in Poona for a comparatively short period, and was absolutely unconnected with the Land Revenue administration of the Central Division. But it was not until six weeks later, after the headquarters of Government were transferred from Mahábaleshvar to Poona, that it was found possible to obtain from other sources by private and confidential inquiry more definite and wider information. Mr. Pendse, who had become aware of Mr. Bhimbhái's action, then made it known privately through Mr. Keyser, the Collector of Poona, that he was willing to disclose certain facts of which he was aware, and in an interview with the Chief Secretary mentioned, at first with some degree of hesitation and reluctance, the circumstances of which he had become cognisant, which gravely inculpated his immediate superior, Mr. Crawford. The subsequent connexion of Mr. Pendse with the case is set forth in a minute recorded by the Honourable Mr. Richey, of which we beg to annex a copy.* As regards Mr. B. G. Sáthe, the Native Assistant to the Commissioner, it is to be observed that he held entirely aloof until June 29th, when he for the first time admitted a general knowledge of Mr. Crawford's corrupt practices, but studiously avoided giving any definite information regarding specific cases on which action could be taken. Besides Messrs. Bhimbhái, Pendse, and Sáthe no other person of any official position or social influence has been indicated in the proceedings of the Commission as having been instrumental in getting up the charges against Mr. Crawford. It was obviously beyond the power of subordinate clerks in the Commissioner's office to induce to come forward and make self-incriminating statements men of the rank of the Musalmán Nawáb of Janjira, the Bráhman Chief of Bhor, and the Marátha Rája of Akalkot, or even Government officials of such varied and antagonistic castes as Deshasth and Konkanasth Bráhmans, Parbhus, Sonárs, and Lingáyats. The common feature in the statements of the great mass of the various informants was the implication of Hanmantráo as Mr. Crawford's chief and most trusted and influential agent, and it cannot be supposed that that person, whose arrest was synchronous with Mr. Crawford's suspension, and who is now a convict in the Central Jail, was a party in the conspiracy against Mr. Crawford. The Crown counsel to whom was entrusted the conduct of the case for Government deemed it unadvisable, acting on their discretion, to call Hanmantráo as a witness for the prosecution, but we beg to send herewith for your Lordship's consideration a copy, of a lengthy and detailed statement† made voluntarily by Hanmantráo, furnishing a full history of his connexion with Mr. Crawford and his transactions with the native officials of the Central and Southern Divisions.

7. As additional evidence in disproof of the theory of any possible conspiracy. we would beg to bring to the notice of your Lordship in Council the facts connected with the Akalkot case, as disclosed in the correspondence and statements of which copies‡ are annexed. Even prior to the date of Mr. Crawford's suspension we had heard of the existence of rumours to the effect that bribes to the extent of Rs. 10,000 had been paid by or on behalf of the young Marátha Prince, known as the Rája of Akalkot, to Mr. Crawford in order to secure that officer's general favour and to obtain his aid in procuring the grant of powers to the Chief. Inquiries were set on foot after Mr. Crawford's suspension, but the progress made was slow, owing to the reluctance in the first instance of the Chief, his minister and his entourage to come forward and give evidence of facts which could not but reflect much discredit on themselves, and might place them in what they regarded as a dangerous and embarrassing position. The result was that it was found impossible to have the Akalkot case prepared in time to be submitted to the Commission with the other charges which were placed before it when it met in Poona in October. Shortly afterwards, however, the case was completed and ready for hearing, and then, after the Advocate-General had been consulted and we had obtained that officer's opinion after careful examination of the evidence, both oral and documentary, to the effect that the case was a strong one and should be placed before the Commission, a letter dated November 16, 1888, of which a copy‡ is appended, was addressed to the Government of India mentioning briefly the leading facts, stating the course which this Government proposed to adopt, and inquiring whether the Government of India entertained any objection to the measure proposed. The Government of India in reply telegraphed on the 23rd idem that if the Advocate-General considered it desirable to formulate the charge and the Commissioners consented to hear it, this Government might exercise its discretion in proceeding with the charge.§ On December 3rd last a commission,§ as drafted by counsel, was issued to the members of the Commission then sitting in Poona, appointing them Commissioners under Act XXXVII.

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* Enclosure No. 8. *See* page 206. † *See* page 212. ‡ *See* page 243. § *See* page 245.

of 1850, to inquire into this additional case. The Honourable Mr. Justice Wilson, member and president of the Commission, declined, however, for the reasons assigned in his letter* of December 5th to sit upon the new Commission, and in these circumstances we decided not to attempt to proceed further with this charge. It is, we think, much to be regretted that Mr. Wilson should have refused to accept the nomination to the Commission and to take part in the inquiry into the Akalkot case. We were advised by our counsel that the procedure proposed was legal, and there can, in our opinion, be no question but that the case itself was extremely strong, and that there was sufficient evidence forthcoming to establish Mr. Crawford's guilt, in the shape of the oral testimony of the Rája, his Kárbhári, the Mámlatdár Mangrulkar, the Chief's own family servants and retainers, the Poona bankers and others, and of the documentary proof in the form of receipts for money advanced, lists of ornaments pledged by the Chief as security for the money borrowed by him to pay the bribe to Mr. Crawford (he himself then having no powers and being unable to draw on the funds of the State), entries in the private accounts of the Chief and the books of the Poona bankers and other papers. Owing, however, to the refusal of the Commission to investigate this most serious charge we were forced to abandon it.

8. With regard to the credence to be attached to Mr. Crawford's statements, the circumstances, in their aggregate, render it more than usually dangerous to accept the evidence of a man thus situated as conclusive in his favour, against the direct evidence of other men either alleged to be directly interested in the corrupt bargain brought to light, or their friends and coadjutors in the affair. In the first place, when he gave evidence in favour of Hanmantráo, he was practically, and to his knowledge, defending himself. Before the Commission he appeared in the position of an accused, charged, not with general misconduct of a certain class, as was the intention of Government when instituting the inquiry, but as that inquiry was interpreted by the Commissioners, charged with certain specific acts of corruption. Under the Act by which the inquiry was governed, Mr. Crawford had the advantage of full discovery and inspection of the whole case against him long before he was called upon either to plead or to rebut, whilst under the same authorisation he was in a position not only to give his own testimony after the whole case against him had been recorded, so that he could speak up to the record as much as he pleased, but was enabled to keep his defence strictly secret from Government, so as to allow as little opportunity as possible for either cross-examination or rebuttal. The natural course of an unscrupulous man in such circumstances would be to take refuge in bare denial, and on cross-examination, which would ordinarily be relied on as a test of his credibility, to plead deficient memory wherever a fact crops up inconveniently in the line of his defence, and this was the line actually adopted by Mr. Crawford. Mr. Crawford's evidence was proved to be untrustworthy as regards his visit to Chopda, which, as he himself was compelled to admit, was never made, although in an official report addressed by him to Government in connexion with the Revision Settlement of Chopda he dwelt on the fact, as giving weight to his recommendation, that he had visited that táluká; his interview with Nagarkar, the Mámlatdár, at Khadkála, which he denied; the existence of the Chándor petition against Sindekar; the conveyance of office and private tents to Kopargaon from Poona; the date of his conversation with Deshpánde regarding the latter's appointment to a deputy collectorship (Advocate-General's speech, page 39)†; the denunciation of B. G. Sáthe to Mr. Nugent, Chief Secretary to Government; the denunciation of Bhimbhái to Government, which his own letter proves, never took place, and several other deviations from the truth, and dishonest implications of a similar character, some of which, such as those regarding the Bhor case, were so gratuitous and unsupported that it is clear that they could only have been introduced with the view of impairing the effect of evidence which could not in any of its main facts be controverted. The circumstance that Mr. Crawford contradicted the statements of witnesses as to matters regarding which they had not been cross-examined points to the same conclusion. There are also valid reasons adduced before the Commission, and which have been strengthened by inquiries made subsequently, for believing that the books of the witness Rámbháu Dátár, the account in which is signed and certified by Mr. Crawford, are simply fabrications devised for the purpose of supporting promissory notes, which conveniently fill up gaps in the account of Mr. Crawford's legitimate borrowings, and some of which fit in with curious exactitude with the dates on which bribes set forth in the articles of charge were said to have been paid. The whole of

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* *See* page 246.

† *See* page 180 of this paper.

the transactions between Mr. Crawford and Rámbháu and his alleged partner, the boy Gangádás, were analysed at length by the Advocate-General in his closing speech (pp. 63–65), and if, as seems to have been conclusively shown by him, the accounts are forgeries, and the promissory notes illusory, even if not fabricated, it is impossible to avoid reaching the conclusion that Mr. Crawford was a party to the fraud. It is to be regretted that this highly suspicious part of the case was ignored by the Commission, more specially as these accounts were the only portions of the mass of similar documents put in by Mr. Crawford, the authenticity of which was at all challenged by those acting on behalf the Government. The Commission, without however specifying any reasons for their opinion, content themselves with the remark that they see no reason for doubting that the notes represent real transactions, though they find no reason for believing that the sums said to have been raised on them were actually so raised. Considering the nature of the transactions and the dates, this last point is, it would ordinarily be supposed, the *raison d'être* of the production of the documents at all.

9. Against the evidence of Mr. Crawford in self-defence must be weighed that of the men who charge him with complicity in corrupt dealings, and who speak for the most part in self-condemnation. Before entering upon the more specific considerations which govern the appreciation of their credibility, it is necessary to lay stress upon a point which the Commission thought it their duty to exclude from their notice. This is, that the various acts of payment said to have been made to or for the benefit of Mr. Crawford do not appear to originate in any individual initiative or desire to corrupt or propitiate, but when traced to their starting point are found, one and all, to have been perpetrated in obedience to what the donors believed to be a regular system of illicit remuneration, compliance with which was inevitable if the ordinary claims to consideration were to receive recognition. It follows from this view that whatever circumstance the various Mámlatdárs or other officials may have regarded as leading up to or resulting from their payments, there was no obligation whatever on Mr. Crawford's part to perform or abstain from any specific act at all, but in fact it would be far more likely that a man of his resources and experience would avoid the possibility of a comparison being instituted, or a connexion established, between a gratification and the consideration thereof. With a trusted agent such as Hanmantráo Mr. Crawford would have known that his money, and the Mámlatdárs would have felt that their interests, were alike safe, and would be dealt with as opportunity occurred for use of the one and favour to the other. No doubt much stress was laid on the specific instances adduced of favour or injustice; but such instances are of course susceptible where a large body of men is concerned, and the characteristics of six different districts have to be taken into consideration, of a variety of explanations, any one of which is plausible on the surface. Discounting this portion of the evidence, the rest may, on general grounds, be fairly assigned a value at least equal to that of Mr. Crawford's, which, as above remarked, is both presumptively and specifically open to suspicion, The men themselves are as a rule well educated and experienced in subordinate administration. Most of them bear a good, and several a high, character. They differ one from another in caste and subdivision of caste, for, as is well known, the Konkanasth bears no good will towards the Deshasth, nor the Parbhu to the Bráhman. They are natives of all the six districts of the Division, of the Konkan, and of the South Marátha Country. Many of them have spent nearly the whole of their service in remote tálukás of Khándesh and Násik, entirely removed from the influence of local or official intrigues in Poona, where, for the last two years, the Commissioner's office has been almost exclusively located. In no single case has Mr. Crawford adduced any evidence, beyond his own personal impressions, of the least cause for animosity against him, still less for deliberate perjury to bring him to disgrace.

10. We take this opportunity of forwarding for the perusal of your Lordship in Council a copy* of a note by Mr. Ommanney, dated the 25th ultimo, furnishing a narrative of the inquiries instituted by him, in order that your Lordship may have a complete collection of the papers received by us bearing on the subject.

11. In conclusion we would beg to add that we have directed full inquiry to be made into the cases of the officers who have been suspended from the exercise of magisterial functions, and have also called for report concerning the other officers holding magisterial powers who have admitted having made payments to Mr. Crawford or his alleged agents, or who are believed to have made such payments though denying the fact, and that we propose to institute hereafter such further inquiries as may be deemed

* *See* page 251.

necessary to enable us to review with full knowledge the position and relations of our subordinate administrative service. We shall then be able to report to your Lordship fully on the subject of that personnel and the measures taken by us to secure its proper working.

We have, &c.,
(Signed) REAY.
J. B. RICHEY.
R. WEST.

To Her Majesty's Principal
Secretary of State for India in Council,
London.

Enclosure No. 1 to No. 6.

MINUTE on the CASE of Mr. A. T. CRAWFORD, C.S., C.M.G., charged with CORRUPTION in his office as COMMISSIONER of the CENTRAL DIVISION.

IN my opinion by far the most important witness whose integrity is impugned by the Commissioners is Mr. Pendse. His character has always stood so high and he came so well out of the searching inquiry made into Mr. Crawford's establishment that it was both startling and discouraging to find base conduct imputed to him by the Commissioners, and to know that his cross-examination was regarded as throwing discredit upon the whole case against Mr. Crawford. It is no part of that case that for each alleged payment some specific benefit should immediately be given, but Mr. Pendse distinctly committed himself to the theory that Mr. Crawford's appointments and promotions were made with regard to corrupt motives and as such were irregular.

2. Now it is obvious that if, as we believe to be the case, Mr. Pendse knew that Mr. Crawford was corrupt, the impression would be strong in his mind that in appointments and promotions his procedure would be likely to be irregular. This impression would lead him to attribute any departures from what he regarded as correct principles in the exercise of patronage to corrupt motives, and would engender an exaggerated impression of the number and gravity of such departures.

There are, I think, clear traces in his evidence of this influence, but it is further evident in his cross-examination that he was induced by skilful questioning to make answers which convey imperfect or misleading impressions, and as he was a nervous witness before a Court which treated him with severity, I do not think that his evidence even taken by itself would, without much more elucidation than was bestowed upon it, warrant the conclusion of the Commissioners that Mr. Pendse was "unscrupulous in arranging evidence against Mr. Crawford." That he "took an active part in getting up the case" is not, I think, shown in any evidence before the Commission, and unless we accept the Commissioners' view that the case was concocted by a conspiracy, which we cannot do, is not in itself any reflection upon Mr. Pendse's character.

3. But after making all allowances as above there remains on the record as it stands a mass of evidence given by Mr. Pendse, and commented on by the Commission, which needs careful examination before Government can be satisfied to retain in a position of so much trust and influence an officer whose integrity has been so gravely aspersed. That we believe the case against Mr. Crawford to be true enhances rather than lessens the obligation to sift any imputation against a high official that he supported that case by false or doubtful evidence.

4. In order clearly to understand the subject it must first be explained that promotions to the office or rank of Mámlatdár may be either (*a*) substantive, (*b*) sub. *pro-tem.*, or (*c*) acting.

(*a*) Substantive appointments to permanent vacancies are in the first place made "probationary." The officer appointed is on trial, and is not "confirmed" until favourably reported on by the collector after a term of probation.

(*b*) Sub. *pro-tem.* appointments are made to vacancies the permanent holder of which draws pay in another appointment. These may be for short terms, as when the permanent holder is employed on special duty for a definite and short period, or may be for terms so long that the sub. *pro-tem.* holder is never likely to be ousted, as when the permanent holder's services are lent to a Native State for an indefinite period.

Promotion to sub. *pro tem.* vacancies, as they carry full pay, should be made always on the same principle as substantive appointments proper.

(*c*) Acting vacancies, the occasion of which is obvious, are of two kinds: 1st, those made for short periods by the collector; 2nd, those made for long periods by the Commissioner.

Acting appointments of the first kind are always, and of the second kind ordinarily, made on grounds of convenience, so as to secure a minimum of delay in "joining time" and a minimum of dislocation of establishments, but the character of the office and the duration of the vacancy would be considered by the Commissioner and might warrant transfer on other grounds than those of local convenience. These appointments therefore are not as a rule regulated in any way by seniority, nor, as stated by Mr. Crawford's counsel, by selection of "the most able men." Nor do they *per se* give any claim to substantive promotion.

5. During the years 1878 to 1880 orders were passed by Government giving certain claims for admission to the Revenue service to graduates, with provision for their promotion to the rank of Mámlatdár, and at the same time providing for a concurrent claim to promotion by non-graduate servants already employed; in both cases the claim to final promotion to the rank of Mámlatdár was to depend upon passing an examination test, the date of passing which determined seniority in the list of candidates. There was no rigid rule as to appointment by seniority; besides seniority the Commissioners had to guide them in selection the reports of collectors on the qualification of officers serving in their districts; and it must be remembered that a further condition of qualification, beside the passing the examination, was the having served for six months as first kárkun.

6. The remarks of the Commissioners on the subject of Mr. Crawford's exercise of patronage and Pendse's evidence regarding it are contained in pages 9–14 of their report.* The first comment upon the evidence is that at the top of page 10†. Pendse had stated in cross-examination, "The word 'seniority' is ambiguous. It may be regulated solely by the date of passing the higher standard. It is not necessarily so." On this the Commissioners remark, "The suggestion that the word 'seniority' is "ambiguous is a mere shuffle. There is no abiguity whatever about it. It means "seniority according to the passing of the higher standard examination."

If Mr. Pendse had been asked to explain his meaning he would no doubt have said, "I mean that priority of claim to appointment is not dependent upon the date of "passing the examination alone. The candidate has to be qualified both by favourable "report of his collector and by six months' service as first kárkun." He was, though a good English scholar, thinking in another language, and said that the word was "ambiguous" when he meant that it was not identical in connotation with priority of claim, the usual meaning attached to it.

We cannot convict Mr. Pendse of "shuffling" on grounds so simply explicable.

7. The next matter of comment adverse to Mr. Pendse's integrity is the list AA. This list was framed, as described at page 9 of the Commissioners' report, for the purpose of showing that Mr. Crawford's predecessor followed a regular and fixed principle in the appointment of Mámlatdárs while Mr. Crawford did not. The list was made in two parts, from Nos. 1 to 40 to illustrate *substantive* promotion, from No. 40 onwards to illustrate *acting* appointments, with reference to a particular case in which Pendse held that there had been irregularity.

The list is admittedly correct, but it must be taken in the two distinct portions of which it is composed in order to judge whether it supports the conclusions of the Commissioners that Mr. Pendse misstated the evidence contained in the first portion and framed the last portion with intent to mislead.

8. The conclusion on the first part is stated (page 10)‡ in these words: "A glance "at the list shows that appointments were no more made in order of seniority in "Mr. Robertson's time than in Mr. Crawford's. Pendse tried to meet this fact by calling "a departure from the order of seniority in Mr. Robertson's time an apparent super-"session, if he could find or imagine any reason for it, and calling the same thing in "Mr. Crawford's time a supersession even when he knew there were good reasons for "it." This is a most serious charge of falsehood, but its gravity disappears upon examination of the record.

It is not necessary to note every departure from the order of date of passing examination in Mr. Robertson's time, but in order to understand the point of view of Mr. Pendse as to those appointments it must be noted that, first, as explained in his

* *See* pp. 11–16 of this paper. † *See* page 12. ‡ *See* page 13

evidence and above, candidates could not be nominated until they were reported "qualified" by the collector, and, second, that the first nomination was usually to a sub. *pro-tem.* vacancy which gave the claim to permanent (or "probationary") appointment according to the priority of date of the sub. *pro-tem.* appointment, which was thus practically the initial promotion to the rank of Mámlatdár. The order of succession to probationary appointments should thus correspond with that to sub. *pro-tem.* appointments.

To compare Mr. Pendse's evidence regarding Mr. Robertson's appointments with recorded or well settled principles we may take the first six appointments, which also carry us down to candidate No. 10 in the list of those who had passed.

The *first*, G. Mulekar, was No. 8. "I do not know when he was reported qualified, but "he was selected, for reasons recorded by Mr. Robertson, over the men above him for a "vacancy in a bad climate." This is usual; seniors prefer waiting to going to such places, and it is only by putting in a junior that the Commissioner can insist upon a man remaining without claim to early transfer long enough to know his district. The *second* appointment was No. 7, Mr. Scott, selected because he was wanted for Igatpuri where there is a considerable English population.

We now come to No. 1 in the list. He would naturally be followed by No. 2, Dádáji Sakhárám. The Advocate-General called attention to the evidence that he was not held qualified until 31st March 1883. He was therefore passed over. Next would come the claim of No. 3, Mohoniráj Eknáth, but he also was not reported qualified until 1881.

The vacancy therefore fell to No. 4, the senior qualified according to the Collectors' quarterly returns.

The next man was not qualified and No. 6 was appointed.

Nos. 7 and 8 had been given appointments for special reasons already.

No. 9 was Dashputre, who was not reported qualified until 30th June 1882, and had eventually to await his turn, until Kalavde and Dáni who had qualified before him, and Dádáji Sakhárám, whose case has been already mentioned, and five graduates had preceded him, according to the rule followed by Mr. Robertson in 1883. No. 9 being thus disqualified, No. 10 succeeded.

In the above analysis there are two supersessions, one by a junior sent to a bad climate with explanation recorded at the time, the other of an officer of English descent sent to a place where there are a large number of railway employés.

9. The "apparent supersessions" which Mr. Pendse admitted in Mr. Robertson's list, and which the Commission consider real, were mainly due to the arrangement made by Mr. Robertson to meet the wishes of Government, clearly expressed in orders for the increased employment of graduates. The matter was within the competence of the Commissioner and was worked systematically, as is apparent from the list. I cannot find any evidence in support of the statement of the Commissioners (page 10)* that "within the limits thus adopted Mr. Robertson exercised considerable freedom of selection," though it is true that a mere "glance at the list" without careful scrutiny in the direction pointed out by Mr. Pendse in his cross-examination (page 27) would lead to such hasty conclusion. Of the instances cited by the Commissioners that of Dashputre has been noticed above. Regarding Pendse there is no explanation apparent, but his supersession by Shikhare, who passed the examination on the same date, was only by two months, and the Commissioners in dealing with Mr. Crawford's appointments rightly hold that a priority of a month is hardly a supersession. The same remark may hold of *two* months in the absence of any explanation.

10. In a word, if the candidates had been numbered according to priority of qualification, instead of according to the "seniority," which Mr. Pendse called ambiguous, Mr. Robertson's appointments would have been shown to be strictly regular.

11. To turn now to Mr. Crawford's appointments. Mr. Robertson having followed the system of appointing two graduates alternately with two non-graduates, which was approved by Government on 10th August 1886, Mr. Crawford succeeded to the Division when it was the turn of a second non-graduate of the alternate pair. He promoted the last non-graduate who had been made Mámlatdár sub. *pro-tem.*, a perfectly regular promotion. His next appointment however was that of another non-graduate. Besides these three non-graduates a fourth candidate, also non-graduate, who was not in any list, but specially sanctioned by Government, was appointed by Mr. Crawford in 1886.

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* *See* page 13 of this paper.

The result is that the appointments from October 1885 (Mr. Robertson's last) run as follows :—

1. Non-graduate.	9. Graduate.
2. Do.	10. Do.
3. Do.	11. Non-graduate.
4. Do.	12. Do.
5. Graduate.	13. Graduate.
6. Non-graduate.	14. Non-graduate.
7. Graduate.	15. Do.
8. Do.	16. Do.

A glance at this list certainly suggests absence of any principle in making appointments, and is in strong contrast to that of Mr. Robertson's time. But Mr. Pendse had some definite facts to go upon beside the mere serial order in the list.

He knew that the rule in graded service should be that sub. *pro-tem.* appointments should be held by the senior entitled to promotion, who should not revert while a junior continued in a sub. *pro-tem.* vacancy, except for special reasons. He saw, however, that Mr. Crawford treated sub. *pro-tem.* vacancies not as graded but as personal appointments, as in the cases of Bindu Gopál, made probationary while one of his seniors was still sub. *pro-tem.*, and of Chaubal, whose irregular reversion while his juniors continued sub. *pro-tem.* was believed to have been a step in the process of extortion. He knew that Joglekar's appointment was not, as supposed by the Commissioners, "not unfrequent," but most exceptional, and that the reference in Exhibit 15 by the Commissioner for the opinion of an assistant collector of about two years' active service as to the qualifications of a candidate was, to say the least, unusual. He knew that Patwardhan's appointment without any term of probation and while retained in the Commissioner's office was irregular. Although he admitted that the Commissioner's subordinates usually *expect* promotion out of turn, he did not admit, as stated by the Commissioners, that they usually *receive* it in this form. Of course Patwardhan, as we know from other sources, would not have bettered himself financially in going away from the office. It was rightly regarded by Pendse as an irregular appointment open to suspicion.

He knew the circumstances of Dáji Ballál Paránjpe's appointment, which was so inconsistent with any careful exercise of patronage, and by the acting collector, in my opinion rightly, held to be contrary to standing orders. Also that of V. K. Dravid, a most suspicious case. I note about this appointment that the Commissioners fall into an error in their review of Mr. Crawford's appointments (page 10* and top of page 11). They say that Mr. Crawford's "tenth appointment was that of a man who was third on the graduate list; of the two above him, one had a bad record." But this man with a bad record had *already been promoted* to a sub. *pro-tem.* vacancy. He was V. K. Dravid; according to proper procedure he should not have been promoted at all, or if promoted to a sub. *pro-tem.* vacancy should have had the first probationary vacancy.

The cases of the two men Sindekar and Phadke are used by the Commissioners to discredit Mr. Pendse's evidence, and to impute unfairness to him. These men were entitled to early appointment as probationary Mámlatdárs by Mr. Crawford, but were repeatedly passed over. The question dealt with by the Commissioners (pages 11† and 12) is whether this supersession was deliberate with a view to extortion, or was due to Mr. Crawford's ignorance of the men's real position.

Mr. Crawford said that in making appointments of probationary Mámlatdárs he depended entirely upon lists of candidates, made by his order of 26th May 1886, in which the names of Sindekar and Phadke did not appear. Whether their names were rightly or wrongly omitted from these lists has of course absolutely no connexion whatever with the present issue, but the Commissioners throw discredit upon Pendse for saying that the names were rightly omitted.

In the list kept by Mr. Robertson, from which it may be presumed that the clerks copied Mr. Crawford's two lists, the men's names appear with a note that they had been appointed to mámlats. The vacancies to which they were appointed by Mr. Robertson were sub. *pro-tem.*, but were practically permanent vacancies caused by the transfer of two Mámlatdárs to Native States. For this reason Mr Pendse says they were rightly omitted. The Commissioners say that this is not so, as other sub. *pro-tem.* Mámlatdárs are entered in the candidate list. The others so entered, however, were about to revert, one in three months, the other in eight days; their inclusion therefore would not show that the omission of the names of Phadke and Sindekar, who were *not* to revert at all,

* *See* page 13 of this paper.

† *See* page 14 of this paper.

was improper. The question is, however, of no importance; it is clearly one about which two opposite opinions may be honestly held.

On the real issue, whether Mr. Crawford was misled by the lists, as he says he was, it must be remembered that the lists of candidates were not the only sources of information used by Mr. Crawford in the appointment and promotion of Mámlatdárs. He had the gradation lists to sign every six months and the quarterly returns for the Civil List. In his cross-examination in Hanmantráo's case he said, "I had the Civil List to refer to. In that list Sindekar's name would appear regularly since his appointment as sub. *pro-tem.* Mámlatdár. The list gives a good deal of the information required, in order to select persons for appointments." It is difficult to believe that Mr. Crawford, who was not new to the work of a Commissioner, could have handled the numerous official lists showing the position of Phadke and Sindekar, in one case for a year, in the other case for 20 months, and remained absolutely ignorant of the real status of these two Mámlatdárs as supposed by the Commissioners. I cannot think the conclusion that Mr. Crawford deliberately turned the omission of Phadke's and Sindekar's names from his candidate lists to their disadvantage from corrupt motives is a "subtle theory," as stated by the Commissioners. I may, however, add that I do not find that this theory was, as stated by the Commissioners (page 11,* para. 2), "persistently urged" by Mr. Pendse or indeed by any one.

12. On the matter of grade promotions Sir R. West has clearly shown how entirely erroneous were the conclusions of the Commissioners as to Bápat's case. Mr. Pendse was quite justified in holding that this case and that of Uplap were irregular, as was Dabir's, though it is explicable through carelessness as easily as through corruption.

It must also be noted that Mr. Pendse knew that the allegation of the defence, that irregular promotions were made by Mr. Crawford giving priority to Mámlatdárs with first class magisterial powers over those with second class powers, was false, for there were numerous instances of promotion of men with second class powers over the heads of those with first class powers.

13. On the Commissioners' remarks regarding transfers (page 14),† I need only remark that any conclusion drawn from the record must rest upon the appreciation of evidence, and that it seems to me to justify a conclusion opposite to that drawn by the Commissioners.

14. We now come to the second part of Exhibit AA, Mr. Pendse's list.

As this is admittedly the only portion of the exhibit which could mislead if taken by itself, it must be the ground of the Commissioners' remark that Mr. Pendse was "unscrupulous in arranging evidence." The Commissioners say of it, "This part of the list is intended to convey an entirely false impression of the facts." This charge was again repeated in an observation of the President during the course of the Advocate-General's closing speech.

It is a very serious charge, and it cannot be denied that Mr. Pendse laid himself open to it by producing a document so useless for purposes of evidence as this portion of his list.

But the mere fact that it is a copy of an obsolete list of Mr. Robertson's time and contains the palpable errors noted by the Commissioners in page 13† seems to contradict the assumption that it was arranged unscrupulously and intended to mislead.

No argument was based upon it, nor was it referred to in Mr. Pendse's examination-in-chief. It was clearly an oversight of the prosecution to allow it to go in with the rest of the exhibit.

Mr. Pendse was first questioned regarding it in cross-examination and his answers (page 40) are clear that it was *not* intended for evidence. There can, however, I think, be little doubt that the fact of Dabir having paid for promotion had influenced Mr. Pendse's judgment, and caused him to dwell upon the general features of the case as one of supersession of numerous seniors, when as a matter of fact the supersession might be accounted for by mere perfunctoriness, and in any case would only extend to the five senior men serving in Khándesh, according to the usual practice of local promotion to acting vacancies. Mr. Pendse knew that Dabir had paid for promotion, that he had acted as Mámlatdár for more than nine months over the heads of his seniors, and without the careful consideration of the case which was demanded Mr. Pendse jumped to the conclusion that it was an aggravated case of supersession, This was the view taken of Mr. Pendse's mental processes by the Advocate-General, and I see no reason to accept the more damning conclusions of the Commissioners.

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* *See* page 14 of this paper. † *See* page 16 of this paper.

15. I do not acquit Mr. Pendse of blame for including in his list "the names of officers superseded by Dabir" (page 50) outside the Khándesh collectorate, but when it is remembered that he had distinctly repudiated the list as evidence, and had stated that "acting appointments are not" made according to seniority, his evidence as to supersession must, I think, be attributed to the influence of preconceptions and the condition of mind of a witness conscious of having been convicted of carelessness and confused by cross-examination—a cross-examination skilfully directed to prevent him massing his facts, to swamp him with details drawn from service books to which he had had no access, and to discredit his evidence by reference to a portion of his list which he distinctly and at the outset repudiated as not intended for proof.

16. On page 13,* at the top, the Commissioners state that Mr. Pendse made "untrue" statements as to his being consulted by Mr. Crawford regarding appointments. They quote against him Mr. Crawford's statement in Hanmantráo's case, that Mr. Pendse was "on intimate and confidential terms" with him and "used to speak to him freely about office matters." * * * "I wrote to him hundreds of demi-officials."

The following shows the value of the evidence upon which the Commissioners conclude, contrary to Mr. Pendse's statement, that he "used to be consulted freely and used to give his advice, &c."

The Commissioners quote from page 33 of Pendse's evidence, which runs as follows : "I myself recommended Patwardhan as fit for a mámlat *some time* before his appointment." This was in cross-examination, the phrase "some time" being put into Pendse's mouth. The Commissioners term it a "*long* time" in arguing with Mr. Latham (*see* his speech, page 44,† top). Read with this Patwardhan's own evidence, page 189 : "In September 1887 there was a vacancy of a mámlat. I asked Mr. Pendse to recommend me, as it was my turn ; he said he would." In cross-examination he says, "When I was appointed Mámlatdár, I cant't say I got my office "out of turn. The graduate above me, Wágle, was appointed sub. *pro-tem.* in July, so I "thought my turn came next. I therefore asked Mr. Pendse to recommend me. * * * "Wágle got a probationary appointment just after me." (20th December 1887.)

Proceeding Speech. Proceeding.

The above shows that Mr. Pendse only spoke or wrote on the application of Patwardhan, who, as his subordinate in the office, would in the usual course seek for Mr. Pendse's certificate as to his fitness, and that at most Mr. Pendse stated he was *fit for a mamlat* ; there was no initiative on the part of either Pendse or Mr. Crawford, but Patwardhan made the move, taking as usual the endorsement of the head of the office.

Exhibits 121 and 122 are quoted to show consultation of Pendse, but they prove merely that Mr. Pendse was asked not about promotion or anything but what was already on record in the office, viz., which passed first in the higher standard, where the men were at the time, and how long would a third be absent. It was in no way a *consultation*, but what any clerk could have told Mr. Crawford.

Exhibits 121 and 122 Vol. III., page 120.

Exhibits 174–175 are the case *Mr. Pendse himself refers to* as almost the only one in which he was consulted, viz., the Peint appointment in July 1886, or soon after Mr. Crawford joined.

Page 162, Vol. III.

Exhibits 211–212 refer to the appointment of an *audit officer*, not promotion or transfer, but selection of an officer of special qualifications, about which the Commissioner within six months of taking charge could know nothing.

Vol. III., page 184. Vol. III., page 264.

Exhibit 353 was a telegram to the Commissioner who was at *Calcutta*, and referred to an urgent matter. *Exhibit 350* shows that the collector made a special point of Mr. Pendse's consulting Mr. Crawford by wire.

Page 263.

Exhibit DT is dated 26th June 1886, only a month or two after Mr. Crawford had been in office, so that he could not possibly have any knowledge of the Mámlatdárs, and it is on the reference (D.S., page 133) that Mr. Crawford endorsed, "*How about Hanmantráo Rághavendra Jághirdár?—Government Resolution No. 498 of 20th July 1883.*"

Vol. II., page 134.

The foregoing review of the case against Mr. Pendse is not exhaustive, but I think it is sufficient to show that the condemnation of this officer by the Commissioners is based upon insufficient or erroneous grounds, and that we are not called upon to put Mr. Pendse upon his defence in respect of the grave charges involved, but may continue to regard him as an official who under great temptation and trial has preserved his high character for integrity.

J. B. Richey.

4th March 1889.

* *See* page 15 of this paper.

† *See* page 184 of this paper.

Enclosure No. 2 to No. 6.

HANMANTRÁO RÁGHAVENDRARÁO.

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STATEMENT OF HANMANTRÁO RÁGHAVENDRA.

I.—EARLY CONNEXION WITH MR. CRAWFORD.

Poona connexion.

I first came to Poona in 1870 and studied at Káshináth Nátu's school till I matriculated in November 1872. Afterwards I went to live with my uncle, the subordinate judge of Háveri in the Dhárwár District, where I stopped a year to prosecute my Sanskrit studies. In 1873 I joined the Deccan College, and was there till 1876, after which I began to study law under Mr. Venkatesh Rámchandra, now public prosecutor in Poona. On January 7th, 1879, I again joined the Deccan College, and in April of that year passed the First Arts examination. I remained two years, and twice appeared for the B.A. examination, but failed, and in 1881 I left the college. In 1882 I took a fancy for an appointment in the Statutory Civil Service, and applied for it in September 1882, but being over age I was advised to apply for the post of deputy collector. I applied accordingly, and was told by the private secretary in reply that my name was placed on the list. This was towards the end of 1882. In January 1883 I got permission to appear for the higher standard departmental examination.

Introduction to Mr. Crawford.

Up to this time a gentleman, whose name I do not wish to mention, supported me, but he retired at the end of 1882, and I then turned to Mr. Crawford for support in my aspirations. The gentleman I refer to did not send me to Mr. Crawford. It was my own inclination to go to him, and Colonel Stopford, whom I had assisted in getting money, introduced me to Mr. Crawford. I was then living with K. C. Dhole, a clerk in the Photozincographic Office, who was already acquainted with Mr. Crawford through Spiers. Dhole used at this time not to do business with Mr. Crawford on his own account, only as an assistant of Spiers. He also was introduced to Mr. Crawford by Colonel Stopford, whom he had helped in money matters. My acquaintance with Mr. Crawford thus began in May or June 1883. Up to that time I had never known him. I was not acquainted with Spiers or Ashtekar. Towards the end of the rains of 1883 there was a serious flood at Ilkal, which is close to my village, and in connexion with that I had frequently to go to Mr. Crawford to get his assistance in raising subscriptions for those who were left destitute at Ilkal. I hoped in this way to bring

myself to notice. I gradually became very intimate with Mr. Crawford. One day about Christmas 1883 he asked me for a loan of Rs. 5,000, and I went to my village and borrowed it for him. The loan was never repaid, but Mr. Crawford authorised me to try and recoup myself by getting money from pátils, and others who had business with him. I accordingly interested myself in the affair of one Giriappa, a pátil of Ingalgi, near Ilkal, who had a claim to the pátilki which he wanted recognised. Eventually I got Rs. 2,000 from him, of which I paid Mr. Crawford Rs. 1,000, and kept the rest. In 1884, on Mr. Crawford's recommendation, Government sanctioned the pátil's recognition as representative watandár. He was one of my securities at my trial the other day. I heard of his case through Ayangauda, pátil of Ilkal, whose own history I will tell later on. This was the first case I took up, but afterwards I took up others through the agency of Ayangauda.

First loan.

First bribe.

Agency for bribes.

I was not at this time living permanently in Poona, but used to come and go from my village of Balkundi in Hungund Táluka, Bijápur. *Dádásáheb Ashtekar* was at this time Mr. Crawford's principal agent, and it was to him that Mr. Crawford used to refer Mámlatdárs and others. I used to pick up only such cases as used to come to me through my own influence, and the influence of my friends. I did not at this time consult Mr. Crawford about cases, but K. C. Dhole was the medium of communication. He used to go direct, and I sometimes accompanied him in cases such as those just mentioned.

I used occasionally to supply Mr. Crawford with funds by giving him the money I got in such cases, and as a rule I did not keep back any of the sums thus received, as I had no need to do so, owing to my uncle's being alive and able to provide for me. He lived at Balkundi, and had a pension of Rs. 200 a month. I used to get Rs. 40 or 50 a month from him. I used to render Mr. Crawford these services gratuitously, hoping that he would make me some return for them eventually, and in order to keep in his favour. The first Mámlatdár I ever had to deal with was Hanumant Bhimáji Tilgul, who was Mámlatdár of Hungund. He had been transferred to Ron, and wanted to get back to Hungund. This was at the beginning of 1883. He told me about this, and I told Dhole, who, as I have said above, was then doing the business, that if the Mámlatdár were sent back I might be able to get the money Mr. Crawford was then asking for. The Mámlatdár was sent back and helped me to borrow money. The money thus borrowed was Rs. 5,000, which was sent by me to Dhole, who paid it to Mr. Crawford. It was repaid in course of time, and so I was encouraged to negotiate the loan which is above described as the first loan on my own responsibility. He was the only Mámlatdár with whom I had any business up to Mr. Crawford's return from Lisbon at the end of 1884. I was not at the latter date in Poona, as my uncle was ill in Balkundi, and I was attending on him. He died on 8th November 1884. About a fortnight after, Ayangauda, whom I had already introduced, and who wanted a place in the police, went to see Mr. Crawford in Bombay about it, and brought me back a letter from Mr. Crawford saying that he wished to see me as soon as possible. Accordingly, in the beginning of December 1884, I went to Bombay and put up at a club in Love Lane, Byculla, of which Pitámbar Joshi was a member. I had known Pitámbar when he was at the Elphinstone College, and I used to come down to Bombay for examinations. We were both Karnátak Bráhmans. I saw Mr. Crawford, and he told me the Márvádis had began to trouble him after his long absence from the country, and he asked me, with the assistance of *Balvantráo Godbole* and K. C. Dhole, to keep the Poona Márvádis quiet. In the meantime he asked me to raise Rs. 8,000 for him by the close of the year. I got Rs. 4,000 from people who had business with Mr. Crawford, and Rs. 4,000 by writing hundis to a Sávkár in Bombay. I sold these hundis at Ilkal, and paid Mr. Crawford the money in Poona during the Christmas holidays. I raised the Rs. 4,000 first-mentioned as follows :—

(*a.*) Rs. 1,000 from *Subhráo Náráyan*, kárkun in the collector's office, Bijápur, who wanted a chief constable's place. He did not get the place, as the Inspector-General was appointed before it was arranged, but Mr. Crawford passed an order that he should be appointed. He was in Bombay in person when I saw Mr. Crawford. In 1886 I had to pay the money back, as he pressed me for it.

(*b.*) Two *kulkarnis of Turchigeri* in Bijápur paid me Rs. 1,000. They wanted appointments in the police. One was named Hanumant Bhimappa. I don't recollect the name of the other. Both were in Bombay when I saw them. They made no application and got nothing. I took their money merely as an advance.

(*c.*) Rs. 700 from *Rámráo Annáji Torve*, who wanted and got a place of Awal-kárkun at Bágalkot before payment. I had mentioned his name to Mr. Crawford when I saw him in Bombay.

(*d.*) The *pátils* of *Sanjam* and *Yernal* in Bijápur gave me together Rs. 1,000 through Ayangauda in connexion with watan appeals. Both cases were decided in their favour. They were in Bombay, but did not see Mr. Crawford.

(*e*) The *pátil* of *Gorginhál* in Hungund paid me first Rs. 400, and then Rs. 500 in connexion with his watan case. He was not in Bombay when I went to Mr. Crawford. I wrote an application for him, and his case was revived by the Commissioner.

Hanmantráo's influence established.

Ashtekar used to travel about with Mr. Crawford regularly, and I used to meet the Commissioner's camp whenever he came into Bijápur district. About this time (end of 1885) Ashtekar lost his influence with Mr. Crawford by reason of the loss of his papers which contained letters from Mr. Crawford; also in consequence of his want of honesty in his dealings with Mr. Crawford. He was accordingly discarded, and Mr. Crawford transferred his confidence to me, but whilst Mr. Crawford was in the Southern Division my influence was not as strong as it afterwards became in the Central Division; hence I had no dealings with his office people. Spiers, in 1883, had lost the confidence of Mr. Crawford by some shady transaction, in which Mr. Crawford had to pay back about Rs. 20,000 to silence some men who were clamorous to get their money back, and rumours had got about that corruption was being practised, and Spiers was transferred to Dhulia. The Rs. 20,000 were entrusted to Bhimáji Gururáo, Mámlatdár, for distribution, but he kept some of it, and thus lost the confidence of Mr. Crawford, who came to hear of it. Spiers was partly restored to favour (though he in some 40 or 50 cases, involving about Rs. 80,000, had kept the money for himself), and used to get cases for Mr. Crawford. Sidappa Virappa's case was one managed by him about this time. Rudragauda sent the man to Spiers. He himself had paid, Spiers told me, Rs. 500 for his appointment of Chitnis at Dhárwár.

All Ashtekar's pending cases came to me, and thenceforward I had charge of all his business. The Annigeri and Sirgubbi cases were two that were left over by him. Ashtekar, at Mr. Crawford's instructions, gave me a list of undisposed cases in which money had been paid or was expected. In some of these cases Ashtekar afterwards got money.

Hanmantráo moves to Poona.

I continued to transact business for Mr. Crawford in this way, raising loans and collecting money, up to the time of his transfer in 1886 to the Central Division. I had, up to this time, lived in my village in Bijápur, only running up to Poona from time to time; but in July or August 1886 I took up my residence permanently in Poona. I lived with K. C. Dhole, who had ceased to do business for Mr. Crawford. I recollect he took from me the case of the Bágevádi pátilki which he handed up to Mr. Crawford, but since 1883 he had done no new business. About a month after my arrival I moved to Gulve's Váda in Shukravár Peth, and after six months in that house went to live near Panch Máruti's temple, Vetál Peth. After my arrest my relatives went to stay at the house of Nána Dengle, a sub-agent for Nagar watans.

II.—MONEY DEALINGS.

System.

The system on which my money dealings with Mr. Crawford were carried on was a sort of contract arrangement. I had to keep Mr. Crawford supplied with funds, failing which he had to borrow in his own name, if possible. I sometimes had to borrow in my own name for him. Up to Rs. 2,000 each, I could raise loans from—

Kering Amarchand,
Sobhárám Mánakchand,
Atmárámpant Mahádev,
} in Poona.

Thus my credit was limited to Rs. 6,000, up to which I could help him, but I had to pay off these loans before a fresh sum was advanced. These loans were in my own name, but on Mr. Crawford's account. I never borrowed for him from anyone else. The account must appear in these men's books. I still owe Rs. 1,500 or thereabouts to Kering Amarchand and Rs. 1,000 to Atmárám. I paid Rs. 1,500 to Sobháram a week before my arrest, and cleared my account with him. I kept the money when I raised it till it was wanted for payment to creditors, and when the latter pressed for payments fresh loans were raised or old bonds renewed. As a rule, the sums actually paid to Mr. Crawford on loans negotiated by me were about half what was put down in the bond or promissory note. In such cases no separate provision was made for

Correspondence and accounts.

interest. Cheques were sometimes given in return for loans by Mr. Crawford, but such were not always intended to be cashed. They were merely kept and returned when instalments were paid off. Sometimes they were sent to the bank in Bombay and dishonoured. I had a private account with Mr. Crawford of my dealings on his behalf, but a fortnight before my arrest I destroyed it after I had checked it with Mr. Crawford's own account. I used to receive notes from Mr. Crawford on money matters, the reply to which was usually written on the back and returned with the original. I had a large number of writings in Mr. Crawford's hand at the time of my arrest. They related chiefly to Mr. Crawford's dealings with Márvádis. They were all destroyed by my relations when I was arrested. In all matters relating to payments of a confidential nature Mr. Crawford used to speak to me personally. I used to tell him when money was expected, and he used to make a note of it, but I did not pay him the money when received, but used it chiefly in repaying creditors on his account. I had no dealings for Mr. Crawford with Jog, but Dáda Ashtekar and latterly Anantbhat Pálande had. I used sometimes to receive money for instalments from Mr. Crawford, but I don't know where he got it from. I never remitted for him to the Paris Bank.

Source of loans.

All money sent to Bombay was remitted through Barjori Pocháji. I used sometimes to send him Rs. 2,000 or Rs. 4,000 on account of Mr. Crawford, and was told that the sum was used for liquidation of debts in Bombay. Kázi Abbás was used in raising money in Bombay. Dáda Ashtekar was not so used, but Spiers was.

Ianman-ráo's income.

After my uncle's death I was obliged to depend for my support on Mr. Crawford. My expenses in Poona and at my village ranged from Rs. 200 to Rs. 300 per month. The Márvádis in Poona who lent money to Mr. Crawford are in the habit of giving commission to whoever arranged a loan, as there was a great deal of secure profit in dealing with Mr. Crawford. When I became intimate with him the Poona Márvádis sought my assistance to refer him to them for loans when he required them. They gave me Rs. 15 per 100 for every transaction. They used to give Rs. 25 per cent. on money advanced, to Mr. Spiers. The monthly instalments to be paid in Poona ranged from Rs. 2,000 to Rs. 3,000. This, together with my own earnings from petition-writing, and my remuneration for using my influence with Mr. Crawford, covered on the average half my expenses. For the other half of expenses and luxuries I was obliged to lay my hands on the money I held in trust for Mr. Crawford, that is, what was received by me as to be mentioned below. I estimate roughly that from July 1886 to my arrest I received in that way about Rs. 1,50,000, and I may have omitted items from this calculation. It is certainly not in excess of the truth. This makes an income of Rs. 6,000 a month, and I never appropriated more than 5 per cent. on the whole amount. I never told Mr. Crawford of this, nor did he ever tell me to remunerate myself in this way. He was so kind to me that he would not have objected had I told him I had done this. He sometimes gave 10 per cent. to Kázi Abbás and other persons. There was no necessity to speak to him on this point, as at the time I became in need of pecuniary assistance, that is, from the death of my uncle, Mr. Crawford had learnt to repose such confidence on me that he would not even ask for accounts from me.

I never told Mr. Crawford the details of receipts later on, but I used to tell him the general state of the funds in my hands. As occasion required, I used to tell him the amount that had been received in particular cases. By the system on which my agency was carried on, in the latter days I was a loser, because Mr. Crawford's demands were in excess of my receipts.

III.—CORRUPT DEALINGS.

Ianman-ráo's official gency.

In return for my services in these negotiations Mr. Crawford used to treat me kindly and allow me a certain latitude in recommending the promotions and transfers of his official subordinates. These were generally persons who had paid me. I used to introduce them to Mr. Crawford and tell him they had paid. Really speaking, only that this makes me the guilty party, our arrangement was that I had to find and keep Mr. Crawford in funds, while in return for this he used to allow me practically to make transfers and promotions of Government officials. Transfers and promotions were not usually made with the object of extorting money. There was generally some other reason. We could raise the money without resorting to transfer. Most of the Mámlatdárs paid money generally to gain the Commissioner's favour and to provide against the consequence of their own misdeeds or mistakes. For instance, Khásnavis imprisoned a man without trial for two months; this was discovered by accident by Mr. Crawford when he visited the kacheri, and no serious punishment was inflicted

on Khásnavis. As further instances I may mention the cases of Mádhekar, Mangrulkar, Bhat, &c. Mr. Crawford knew that I got money from these men, because in some cases I used to tell him so, whilst in others he must have known that I would not have recommended men without having received something from them. I used to show Mr. Crawford a memorandum in my own handwriting of proposals regarding the disposal of my own men, that is, of men who had paid me; but I never actually made a formal draft of appointments. I did, however, instruct Yádavráo Sáthe as to the way in which drafts were to be made. Mr. Crawford did not always approve of my arrangements. For instance, in the case of Lakshmanráo Deshpánde, whom I recommended for a second grade place, he was not appointed, as Mr. Crawford said he was too low on the list, and Mr. Crawford would not approve of the promotion. I used to tell Mr. Crawford at the time that the men had come to terms and he used to take the memorandum and work out the arrangements as occasion offered, according to the wishes of my clients. In latter days, when he overdrew his account with me, he used to allow me a certain discretion in recommending favours, though I had not actually received payment from the officials recommended. Such were the cases of, Deshpánde, G. C. Vád, Chitámbarráo Gádgil, Yádavráo Sáthe, and Dhopeshvar his friend. In the earlier days Mr. Crawford used to make me report receipts of bribes and Mr. Crawford used to note them down, but did not always demand the money from me. Later, I was allowed latitude, and Mr. Crawford would casually ask me who had paid, but latterly he never demanded accounts. I used to get remuneration for myself from the men who paid bribes, but not in hard cash, nor was it paid to myself. I used to send round a priest or any poor person, and used to take for myself the larger share of what he obtained from the clients. I sent round one Bhimáchárya in this way, also another Bráhman priest, and my cook. I did this to keep the Mámlatdárs and others under special obligation. The money I received direct from clients I used to keep and apply to my own purposes till the object for which it was paid was effected, when I applied it to the service of Mr. Crawford. As a rule I did not interfere with or take up watan cases, though in special matters of that sort I was employed by Mr. Crawford and took money from the parties for him and for my own services. But generally speaking, all watan appeals were negotiated by Spiers, Anantbhat Pálande, Kázi Abbás and an old man from Panvel, Rámchandra Dátár.

Hanmantráo's private remuneration.

I used to visit Mr. Crawford frequently at his house, and used to look at Government papers, lists, and records when he was absent and without his knowledge, but when he was present he permitted me to see any papers I wanted, especially latterly, when Mr. Crawford was suspicious of G. B. Sáthe. Whenever I was in his office room during his absence, and heard him coming, I always used to go out. He did not expressly forbid my going into his room when he was not there, but I thought he might not like it. Most of the office clerks and people were my old school and university comrades, and used to supply me with files and papers on Government matters as I wanted them. Also they gave me any verbal information I wanted. In this way I had free access to any Government records I wanted to see. There are no documents in Mr. Crawford's handwriting in my possession, nor anything on his office records in my handwriting which would show my agency in the matter of official transfers or promotions or appointments. There may be some petitions on the records in watan cases in my writing. I can't recollect any such, but Yádavráo Sáthe and others there know my handwriting, and they will be able to trace such petitions. I used to write drafts of petitions and Pitámbar Joshi and Divekar used to write the fair copies. Daulatkhán, the náik, used to bring me Mr. Crawford's chits and call me to speak to Mr. Crawford when he wanted me. He also used to bring me papers and files I asked for, but this was without Mr. Crawford's knowledge. Mr. Crawford never connived at my taking office papers to my house from his bungalow for the simple reason that he thought it dangerous. He never objected to my seeing anything I liked at his house. He never found me by chance in his office room there in his absence, and he never knew I went into it. Mr. Crawford used to give me lists of the cases in which he was interested, and I used to tell Yádavráo, who used to watch the progress of those cases through the office. Some of these lists, or bits of them, were in Mr. Crawford's own writing. I used to visit the office frequently. I never saw Pendse, but always went to B. G. Sáthe. As regards watan work I used to instruct Bápat when he was there, as he was a great friend of mine. As to appointments I would show Mr. Crawford my own memorandum. Chitámbarráo's knowledge of English was slight, and I was new to the division. After Yádavráo was introduced to me I made more general use of him than I had of Chitámbarráo and got him to prepare the drafts, which will be found sometimes in his writing with or without the

Access to official documents, &c.

initials of Mr. Pendse. Yádavráo prepared some drafts of appointments at my dictation. At first Mr. Crawford would not let Mr. Pendse know that he allowed Yádavráo to write drafts without his knowledge and initials. And therefore when drafts written by Yádavráo were placed before Mr. Crawford (just as I used to do my memoranda in Chitámbar's time) he would copy them himself in his own hand. But latterly Mr. Crawford grew more careless, and sometimes when he was very busy he would sign the drafts as prepared by Yádavráo, although without Mr. Pendse's initials; as, for instance, two drafts appointing Dabir. I cannot confidently say that there were no others. The memorandum appointing Pitámbar Joshi and Divekar will probably be found in Yádavráo's hand initialled by Mr. Pendse. Yádavráo Sáthe, Chitámbarráo Gádgil, Vishnu Patwardhan, and Deshmukh generally supplied me with what information I wanted, as also files, but Mr. Crawford must have known that I got papers from his office. All he knew was that I had influence in his office and could get any help I wanted. From July to December 1886 Chitámbarráo was the office hand through whom I communicated my proposals as to appointments, &c. On Chitámbarráo leaving, Yádavráo Sáthe was introduced to me (as I was informed by Chitámbarráo and Yádavráo himself) at the express desire of B. G. Sáthe and Mr. Pendse. The former had just opened negotiations with me to get back his application for transfer from Mr. Crawford's office, as mentioned below, and the latter's object was to keep on good terms with the Commissioner. His expression as reported to me at the time was, "*he wished to feel the pulse of the Darbár.*" I never had any direct communication with Pendse, nor did I receive any message from him. Yádavráo told me that he placed my views before Mr. Pendse in cases that were referred to him for opinion by the Commissioner, and I believe that my views were sometimes adopted. My impression is that Mr. Pendse tried as far as practicable to get on smoothly with Mr. Crawford, and thus to be on good terms with him. In the case of Patwardhan he told me that Mr. Pendse asked him to ascertain the Commissioner's wishes through me, before recommending his transfer for mámlat. Not a word can be said against Pendse in the matter of bribery. Even Mr. Crawford can say nothing.

rs.
se and
. Sáthe.

As regards *Báláji Gangádhar Sáthe*, he was appointed during my absence in the beginning of the rains of 1886. Bápat was acting and had paid for his appointment. I understood that Khanderáo Ráste was a great friend of Sáthe, and aided him in getting put in as Native Assistant. I first got to know him in December 1886 or January 1887. He sent Chitámbarráo to call me to him. He had asked Mr. Richey to get him transferred to another office, and had actually sent in an official application to that effect. But he had changed his mind and wanted me to get Mr. Crawford to return his application. This was done. Sáthe had been meddling in watan cases, and Mr. Crawford was displeased at this, and did not, as a rule, approve of Sáthe's drafts, which made Sáthe dissatisfied with his position. Mr. Crawford used to send some cases to Mr. Pendse for drafting and Sáthe disliked this. The fact is, Mr. Crawford disapproved of Sáthe trying to dispose of the cases in his own interest before Mr. Crawford had made his arrangements with the watandár. At the beginning of January, when his application was cancelled, he promised to act in future in accordance with Mr. Crawford's wishes. In some cases in which Mr. Crawford was known to be interested, a note of which was kept by Yádavráo, I used to tell him Mr. Crawford's wishes, and he used to communicate them to B. G. Sáthe, who drafted the order accordingly. In some cases Sáthe used to send for me and discuss the orders which were to be submitted to Mr. Crawford for approval. He and Spiers were both jealous of my influence, and tried all they could to alienate Mr. Crawford from me. I was afraid of them and wanted to break off my connexion with Mr. Crawford, but he would not let me go. Spiers sent an anonymous petition to Mr. Plunkett, city magistrate, in which he described my connexion with Mr. Crawford. This was two years ago. Mr. Plunkett sent it to the City Mámlatdár, but he being W. R. Patwardhan, a friend of mine, destroyed it as it was not signed. B. G. Sáthe used to try to get Mr. Crawford into difficulties with Mr. Keyser, who was suspicious of Mr. Crawford, and thus get me blamed or dismissed. He drafted orders on appeals which went against the collector, with this object. The *Chincholi* case was one of these. Sáthe drafted the order so as to excite Mr. Keyser's opposition, and instead of submitting it as usual, put it into the portfolio of papers for signature in order that it might be signed unsuspectingly. Yádavráo heard of this from M. D. Joshi, a clerk, and told me. We both went to Mr. Crawford's bungalow, expecting that he would return by the mail from Bombay. He did not come, so I first wrote a note, saying that the case was one in which Sáthe was interested, and that the order drafted was most

hin-
draft.

irregular, so that Mr. Crawford should not sign till I had explained matters. This chit I intended to place with the papers in the portfolio, but on consideration I thought the note might be overlooked there, so I took out the papers and placed them on one side. Next morning I went up and explained, and Mr. Crawford scratched out some of Sáthe's draft, the objectionable part, and afterwards erased it. Sáthe heard that Yádavráo had told me, and he was very angry with him, and in consequence Yádavráo left the Maráthi department, and M. D. Joshi took his place as go-between for Sáthe and me. In this Chincholi case Yádavráo brought the watandárs Deshmukh to me to ask my assistance, but I declined to take the case. Afterwards the man got introduced to B. G. Sáthe who took Rs. 200 from him. Sáthe was very angry with me also about this case. When he was Mámlatdár of Bhusával he kept a mistress, who got into trouble after he left. The Mámlatdár of Erandol took sides against her and Sáthe asked me to get him transferred, and Mr. Crawford, at my suggestion, transferred him to Sávda. Mr. Crawford distrusted Sáthe throughout, because he thought that Sáthe's corruption in watan cases would get him into trouble, and, besides, he objected to Sáthe's making profits that ought to come to himself. Mr. Crawford told me expressly to put aside papers in cases in which B. G. Sáthe was interested, so that they should not be disposed of by Sáthe. In May 1888 I drove once with Sáthe to the Soldiers' Gardens, and there it was arranged that there should be no secrets between us, and that we should work harmoniously in future.

The Káyagaonkar papers.

Rámchandra Náráyan Pandit, late Alienation Assistant, took a large sum, believed to be Rs. 30,000 in a promissory note and Rs. 1,000 in cash, as an inducement to hunt up records required by the Káyagaonkar. He did not, however, fulfil his promise, and he gave false information to the Commission at Hyderabad (Deccan). When Mr. Crawford came to the Central Division I asked Appasáheb Káyagaonkar to apply for copies of certain documents. Mr. Crawford sent for the papers to the bungalow to see if copies could be granted. I got Daulatkhán, náik, to bring the papers to my house without Mr. Crawford's knowledge. The Káyagaonkar copied all important documents. Rámchandra Pandit heard that these copies had been taken, and wrote an anonymous letter to Mr. Crawford, informing him that I carried away papers from the bungalow, and Mr. Crawford asked me about it. I said it was all false, and Mr. Crawford cautioned me against doing anything of the sort in future.

Sub-agents

I have said that I did not take up village watan cases as a rule, my reason being that trouble might be caused by contradictory decisions in favour of rival parties, and also because much row was likely to be caused for paltry sums of money. I did take up some. In one *Nánásáheb Dengle* of the Nagar District acted as sub-agent. It was to his house that my relatives moved after my arrest. *Vináyak Govind Deshmukh* was another confidential agent. He was in the Commissioner's office, and introduced to me several Mámlatdárs whom I did not know. I recommended him highly to Mr. Crawford, and Deshmukh paid Rs. 500 for the post of treasurer at Sátára when it fell vacant. *N. D. Kalavde* was the first man in the Central Division who benefited through my services, and he was introduced by Deshmukh. He paid Rs. 400 through the latter for his transfer to Haveli, and Rs. 200 for his promotion a grade. He managed all the rest of his affairs himself with Mr. Crawford. He used to visit Mr. Crawford at the bungalow frequently, and in time became confidential adviser. He used to introduce people to me for the purpose of getting them promoted or transferred. He and Deshmukh called themselves brothers, and I used to make no distinction between them. Kalavde is a Deshasth Bráhman, as I am, and it is for this reason that he has been able to keep all the Sholápur men from coming forward, as they are all friendly to me. *Phulmandikar* is one of them, and has done some agency business for me in a deshmukh case and some other watans. After my arrest he gave me ornaments which I pledged for Rs. 1,000 with a Gujar in Aditvár Peth. My connexion *Náráyanráo Deshpánde* used to live with me in Poona, His brother married my sister. He is at Mudhol, and knows all that went on about Mámlatdárs. He and *Rámráo* used to keep money for me when I wanted it placed in safe custody. They were present at various payments by Mámlatdárs, and Náráyan was the man who went with me to Shirval in the Bhor business. Rámráo and he both kept memoranda of my dealings in case I wanted to prove to Mr. Crawford that I had not made away with any of the bribe-money. Rámráo was with me from the time I came to live in Poona till the end of 1887. Chitámbarráo got him the place of Jath State Vakil somehow. *Parvatikar*, who also lived with me, and whom I got made first a clerk in the Commissioner's office, and then political clerk at Bijápur, was not engaged in any agency business. He was a poor man, no relation of mine, but I helped him on. He sometimes took messages for me

to Yádavráo or Vishnu Patwardhan about office matters. *Narsingráo Sheshgir* was appointed through me to the Commissioner's office in 1887.

Appásáheb Káyagaonkar, mentioned above in connexion with Rámchandra Pandit, did not usually bring me money in his cases. He brought me the cases and I assisted him in preparing the petitions. He paid me Rs. 1,000 in the case of the Rája of Pratáppur, a place in the Taloda Táluka. In a kulkarni's case from Khándesh Appásáheb paid Mr. Crawford direct. I had then ceased to go to Mr. Crawford owing to the inquiries I had heard of. I told Appásáheb to keep such money as he could get, as he was in pecuniary difficulties. *Rámchandra Dátár* was an agent for watan cases. I used to see him at Mr. Crawford's bungalow, but I only had to deal with him in a case from Rui, in which he took the opposite side to that which I had taken. His side eventually gained the day. I am not aware of his raising loans for Mr. Crawford. He does not seem to be a man of that class, but Mr. Crawford had some respect for him, and allowed him to travel with him in the districts. *Barjorji Pochaji* was merely a money agent for Mr. Crawford. He used to receive sums of money and pay them to the creditors. He used also to raise loans. His brother also lent Mr. Crawford some money. Barjorji never, as far as I know, interfered in official matters. The Párs is always flattered Mr. Crawford. In May or June last Mr. Crawford had gone to Bombay from Poona, and in the course of conversation immediately after his return he inquired of me what was going on in Poona, and told me that he heard in Bombay from Mr. Kohiyáar that detectives were after me like *Saitáns*. *Ráste* did a good deal of business in the Kolába District when Mr. Crawford was in the Southern Division. I know nothing about the Angadya case. K. V. Ráste is a simple sort of man, and Mr. Crawford did not think he was safe. He got into bad hands, namely, those of B. G. Sáthe and the like. *Dáda Ashtekar*, after he ceased to be chief agent in the Southern Division, had no direct dealings with Mr. Crawford, but used to deal with *Spiers*. The latter was latterly chiefly used in introducing people to Mr. Crawford, not in direct agency. But he was very intimate with B. G. Sáthe, and used to speak with him about watan and other cases of the like sort. His business, was, however, limited. *Anantbhat Pálande* and *Kázi Abbás* were the chief agents for watan cases. In the Southern Division *Bhimáji Gururáo*, who had paid for his own appointment, became a sub-agent till he kept for himself some money sent by Mr. Crawford to be distributed to some clamorous applicants whom he had disappointed after taking the bribes from them. After this Mr. Crawford lost confidence in him. *K. C. Dhole's* connexion as agent with Mr. Crawford ceased about 1883, when Ashtekar reported unfavourably about him. *Ayangauda*, already mentioned as pátil of Ilkal, held in the Southern Division a position like that of Deshmukh in the Central, with regard to me; only that Ayangauda dealt with watandárs, whilst Deshmukh negotiated with Government officers. *Atmárámpant* was my banker as well as sub-agent for certain cases. Since I came up to live in Poona in July or August 1886 up to the day of my arrest I was Mr. Crawford's principal agent as regards appointments, transfers, and promotions of Mámlatdárs and Government servants generally.

anmanáo's excuse.

Seeing that Mr. Crawford's corruption had been going on for many years, and that it was notorious, I, as well as Natives generally, supposed that European officers winked at it, and that even some of such officers who were the Commissioner's subordinates, were unwilling to incur his displeasure by being too inquisitive. Native society heard that rumours had reached Government, and they saw that no inquiries followed, and that even, as I understand in the case of Mr. Wiltshire, officers were made to apologise. This I say in extenuation of my own misdeeds, and not as any reflection on Government.

IV.—SPECIFIC CASES OF CORRUPTION.

A.—Watans and Miscellaneous Cases.

Central Division.

(1.) *The Bahádurvádi Deshmukh Case.*—This is in the Válva Táluka, and is connected with the bribe paid by Chaubal, the Mámlatdár, who was Chitnis at the time to the collector of Sátára.

The last male holder left two widows, the elder of whom adopted a son; the younger, a Baroda lady, well-to-do, and who was a minor, was supported in her claim by Vásudev, the then Chitnis, who took Rs. 10,000, got the estate attached, and took the girl under the collector's guardianship. It was after this that the elder widow made her adoption,

and wished the son adopted to be recognised as heir to the estate; but Vásudev asked Chaubal, who was acting for him, to support the girl-widow's claim. The question being intricate was referred by Mr. Grant to the Commissioner, and both parties came to Poona to make *khatpat*. Mr. Crawford asked my advice as to which side he should take. As the case was intricate I thought it better to leave it to be handled by Mr. Pendse. The papers went to him accordingly. He advised that the collector's action was wrong in not recognising the adopted son. Then I entered into negotiations with the adopted son through Atmárámpant Lingáyat. A promissory note for Rs. 10,000 and Rs. 2,000 in cash were taken from him, and the man was introduced to Mr. Crawford. The kátá (promissory note) was entered in a book of Atmárámpant's. The Commissioner followed Pendse's views and issued orders. Chaubal put up Mr. Grant to oppose Mr. Crawford's orders, and Mr. Grant was so exercised that he put the whole matter before Government through Mr. Crawford. Chaubal also caused anonymous letters to be sent to the legal remembrancer to Government in favour of the other side (at least such was our belief). Eventually Government set aside the Commissioner's opinion. This being attributed to Chaubal we determined to get him into our hands, and I got him appointed Mámlatdár and then superseded him, causing him to revert to an awal-kárkunship. He then admitted the facts to me and apologised for what he had done, attributing the fault to Vásudev. Then money was accepted from him. The remark on the list against Chaubal's name is thus explained.

Government had directed that the adoption should not be recognised until the adopted son established his claim by a certificate of heirship from the civil court, and directed that the estate should be divided, and half should be handed over to the elder widow, and the rest left in the collector's hands for the benefit of the minor widow. In the meanwhile Vásudev had returned to duty, and he did not relish handing over half the estate to the elder widow as directed by Government; so the Government order was not carried out. Not only so, but the elder widow, in spite of repeated applications, could not get anything for her maintenance. I represented the matter to Mr. Crawford. We had taken Rs. 2,000 and done nothing for our client. But Mr. Crawford seemed unwilling to bother himself any more about the case, so I had to return the money to the adopted son, the Deshmukh. This was known to Sáthe, the Assistant Commissioner, and he began to set about making his own profit out of the affair. This would be in the beginning of 1888. Sáthe went on tour in the Sátára districts in February or March, and he opened negotiations with both parties through Govindráo Limaye, pleader of the Ashta Court, who had been his go-between when he was district deputy collector there. The adopted son, having gained experience that the Commissioner's office could not do him any service, refused to enter into any *khatpat* with Sáthe. Then Sáthe took up the other side. He would have succeeded in getting money out of them but for his scandalous behaviour. The widow being young he set his eye on her. This, of course, was resented, and Vásudev Chitnis, who was Sáthe's enemy and a Parbhu, and who still had influence on that side, put the partisans up to pay Sáthe out. Sáthe, finding that both parties slighted him, became annoyed, and conceived the idea of ruining both. So he set to work and reported to the Commissioner that he had learned that the last male holder was the last lineal descendant of the family and the man adopted was outside the family, and there was a failure of heirs, and the estate must lapse to Government. The Commissioner consented to these proposals, which, on becoming known to the parties, alarmed them, and they both went to Sáthe, who directed by the Commissioner's order that the collector should hold a fresh inquiry to see if there was any lineal male descendant in existence. The Commissioner was suspended before the matter was disposed of.

(2.) *The Khatáv Deshmukh Case.*—Before Mr. Crawford came into the Central Division Rámchandra N. Pandit, Alienation Assistant, was in possession of promissory notes (kháta) from the Khatáv Deshmukh. (It was a bribe which had been promised but not paid). In Mr. Robertson's time he had already paved the way, and immediately on Mr. Crawford's coming to the Division a draft was sent in for approval, recommending to Government the release of the estate with arrears of revenue. Mr. Crawford signed it in a hurry without exactly knowing what it contained. When the fair copy came for signature he was alarmed on reading it, and at once sent for me, thinking that the fair copy had been sent up without his having approved the draft. When I went up I asked Mr. Crawford to send for the rough draft. Whilst we were talking this over at the bungalow Mr. Mahádev Vásudev Barve called. He said there was a case before Mr. Crawford in which the Deshmukh of Khatáv claimed estates and arrears which really belonged to the Mohite family of the Kolhápur State, and that the Alienation Office people had interested themselves improperly on behalf of the

Deshmukhs. Barve offered money if Mr. Crawford would take up the Mohite's cause. Then Mr. Crawford perceived that the Alienation Office people were intriguing in the affair, and he sent a sawár on the spot to fetch the draft. I had to wait till the papers were brought. I was in another room and heard the conversation between Barve and Mr. Crawford, but Barve did not know I was there. I told this to Chitámbarráo at the time, and afterwards to Yádavráo when I became intimate with him. I explained the matter to Yádavráo, because Mr. Crawford called the case the Mohite, and not the Khatáv case. The sawár brought the papers and we found that the draft was signed by Mr. Crawford. Apparantly the last page only had been sent up with the other papers. The rough draft was destroyed and the fair copy kept unsigned on the papers as the draft. The papers were then referred to Mr. Pendse for opinion. Mr. Pendse seemed to side with the Khatáv people, but Mr. Crawford having a high opinion of Mr. Barve's ability, and being convinced by his arguments, thought the Mohites had the better claim. Then I studied the papers and proposed to Mr. Crawford certain questions to be put to Mr. Pendse, which Mr. Crawford wrote out in his own handwriting. I also sent a special request through Chitámbarráo to Mr. Pendse to consider the point carefully. My opinion was that the Peshwás had no jurisdiction over the watan which had been disposed of by the Rája of Sátára and that the Peshwás' interference was therefore illegal. In reply to the questions Mr. Pendse held to his own opinion that the Peshwás had jurisdiction. My object was to find out where the rights of the case lay, as I did in all cases before adopting either side. On Mr. Pendse's final opinion it was resolved by Mr. Crawford and myself to side with the Khatáv people. Accordingly, with Chitámbarráo's intervention, a promissory note for Rs. 15,000 was taken from the Deshmukh in the name of Rámchandra Manchárám. This arrangement was made to satisfy Mr. Crawford's debt as well as mine of Rs. 4,000 incurred in Mr. Crawford's business to Bháu Manchárám, Rámchandra's undivided brother. Rámchandra is the manager of the business, and it is he who used to go to Mr. Crawford's about the debts owed by Mr. Crawford to Bháu. Rámchandra, for the sake of security, brought a suit before the Lavád Court and got a decree which was registered in the District Court. Rámchandra Gangádhar Karve was the arbitrator selected by both parties. The proceeding was not one of the usual Lavád Court, but was a simple arbitration called on in my house. I had nothing to do with sending out the draft order to raise money on. That was done by B. G. Sáthe on his own account and without my knowledge, or rather to defeat our object. Sáthe gave the copy to the Khatáv people, who were thus playing us false. I complained to Rámchandra that these Phadtares were playing a double game and trying to deceive us. Sáthe made use of Mr. Nugent's and Mr. Lee-Warner's names to increase his importance, and by this means persuaded the Khatáv people they would get more and more speedily from him than from us. The case had been lying by for more than two years, so the Deshmukhs were ready to accept his arguments. The Deshmukh took the copy to Bombay and opened negotiations with two men. His object was to sell his prospective rights as high as possible, and thus our decree would be rendered valueless through the arrears being disposed of and not available for the satisfaction of the decree. Rámchandra Manchárám told me, and I told Mr. Crawford, that Bhimbhái, or some one on his behalf, went to make inquiries of Rámchandra about this, and I imagined he was acting in concert with B. G. Sáthe. Thus we coupled Sáthe and Bhimbhái in the business as opponents of Mr. Crawford. About this time Sobhárám Márvádi told me that two persons had been to him making inquiries, and his description of the two corresponded with that of Sáthe and Bhimbhái.

Sáthe when district deputy collector of Sátára had gained influence with the Khatáv people. Mr. Pratt, the collector, had thrown out their claim as being time-barred. Sáthe managed to get the case re-opened, how I do not know. The collector referred the case to a committee, of which Sáthe himself was a member. The question before the committee was whether the case was one which could be re-opened; the result was that the case was re-opened.

When I learnt of Sáthe's conduct and Bhimbhái's inquiries, I urged Mr. Crawford to reject the claim at once, and Mr. Crawford did prepare a draft accordingly. It was only a few lines probably, directing Khárkar to reject the petition. A sawár was sent for the papers, but they did not come that night. Later in the night Sábájiráo came to me with a message from Khárkar, begging me not to spoil the case, and then I thought it advisable to refer the case to Mr. Keyser, the collector, on points which would cause the claim to be rejected. The points suggested to the collector for inquiry related to the re-opening of the case by Mr. Pratt. Sáthe's action in the case would thus be exposed. A confidential reference was accordingly made to the collector.

Abbás told me there was a man in Bombay who said he was intimate with Mr. Richey and offered to introduce people to him. Abbás had just come from Bombay and said that the Khatáv people (Phadtares) were entering into negotiations with that man.

(3.) *Rui Deshmukh's Case* (Nagar).—This came to me through Nána Dengle. Sakhárám was the name of the watandár who was introduced to me. I wrote him a petition to the Commissioner and got Rs. 400 for it. In my presence Nána Dengle paid Mr. Crawford Rs. 800 for the same affair. Several contradictory decisions were passed in it, but ultimately it went against the man whom I had been engaged for.

(4.) *Akluj Deshmukh's Case* (Sholápur).—About the end of 1886 a pensioned subordinate judge named Deshmukh, a relation of Gopálráo Hari, came to me with Rs. 3,500 or thereabouts, which he had been to get from Málsiras treasury. It was all in cash. Yádavráo knows the man. Balvantráo Godbole was present when the money was paid over. He is a partner in business with Kering and Sobhárám to whom I paid the money in question that night on account of instalments on bonds held by them against Mr. Crawford. I don't recollect what I paid each. Balvantráo brought them to me. Mr. Crawford knew beforehand that the money was coming in, as he had decided a few days previously in favour of the Deshmukh, and told me what to do with the money when it was paid in. I recovered some bonds or cheques from the Sávkárs in consideration of the payment.

Báláji G. Sáthe had tried to get this Akluj case into his hands through his agent Nána Phadke. Yádavráo had warned me of this, and as Mr. Deshmukh came to me about it I conducted the negotiations for him with Mr. Crawford. I got no money for myself in this case. It was one of the cases which Mr. Crawford took out of B. G. Sáthe's hands and made over to Mr. Pendse for disposal.

(5.) *Miscellaneous Watan Cases.*—The first watan appeal I took up in the Central Division was one from Koregaon. I forget the names or details. It was about August or September 1886. Chitámbarráo brought it to me. The draft order was prepared by Bápat under my instructions, and when it was sent for signature, Mr. Crawford, to encourage Bápat, wrote "Very good" on the draft copy. The next case was one from the Nagar District, brought me by Atmárámpant. I forget all the details. Towards the end of that year or the beginning of 1887, Phulmandikar, the Mámlatdár, sent me an adoption case about Bodhe Báwa. Two inám villages were concerned in it, and Rs. 5,000 were taken about it. Besides *Rui*, one or two more cases were brought me by Nána Dengle, of which one was, I think, that of the pátilki of Sindi in Khándesh. When I took up small cases and got only Rs. 200 or so I kept the money for the petition-writing without telling Mr. Crawford. As a rule I did not touch bad cases; and studied the case, consulting Yádavráo before engaging in it. I don't recollect any other important Central Division cases.

Southern Division.

(6.) *Southern Division Watans.*—I can recollect a few of the chief cases in which I was engaged in the Southern Division besides those already mentioned in connexion with my earlier transactions for Mr. Crawford. The *Desái of Hulginhal*, Singappa, paid me Rs. 4,000 at Bágalkot in February or March 1886 in connexion with an adoption. I paid Rs. 2,000 out of this to Kering Amarchand's servant, who had come to recover some of the debts due to him. The rest went to pay for hundis which I had got at Hungund through Chánbasappa at the end of 1884 for Mr. Crawford. The amount paid to Kering's servant will not be found in any one account, as it was distributed amongst several debts and creditors. The *pátil of Damanhal* paid Rs. 800, I know, in connexion with a watan appeal. The payment was made through Rághavendraráo Kattigeri, a sub-agent of Ashtekar's, but he brought the money to me. The decision went against the pátil. Rághavendra was discarded as a sub-agent because Mr. Crawford disapproved of his having been seen driving about with a prostitute.

(7.) *Savant's Case.*—I only recollect that last May vacation Bábáji Sávant, subordinate judge, came to see me and asked me to intercede for him with Mr. Crawford and get him back the money he had paid, or some of it. He offered me Rs. 2,000 or Rs. 3,000 for myself, but I declined to handle the matter, as I was afraid that Mr. Crawford would throw upon my shoulders the business of satisfying the old man.

(8.) *The Pátils of Ilkal.*—I have mentioned Ayangauda as my sub-agent in the Southern Division. He and Siddangauda and Basangauda, his brethren, were con-

victed by the Sessions Judge of Belgaum in 1881 of abetting dacoities. All were acquitted on appeal to the High Court. The district magistrate did not wish them to be reinstated as pátils, but Mr. Crawford directed that as they had been acquitted by the High Court, Siddangauda should be reinstated. He was accordingly appointed pátil. His brother Ayangauda was recommended by Mr. Crawford for the post of head constable. The collector, in reporting upon their acquittal, pointed out that as none of them were representative watandárs there was no necessity for reinstating them, that is, cancelling the Government resolution declaring them ineligible for service. Two or three years afterwards the assistant collector took up the settlement of the register of the watan which had only been framed under the old Act, declaring the existence of one representative watandár. Knowing that the old register would shut them out from the service, they prepared some false documents alleging that they had purchased the watan from another branch, which had stronger claims than they, but had become extinct years before. Of the documents one purported to have been passed by a daughter's son, who had no interest in the watan and could not therefore dispose of it. These documents passed as genuine in the collector's office, and the eldest of the three brothers, Basangauda, became recognised as a representative watandár. In the meantime Mr. Crawford was about to be transferred and the matter was hurried through in order that it might be decided by him. About a fortnight before his transfer Mr. Crawford passed orders upholding the collector's decision, and the party benefited still holds the position he gained. The other side are minors. Ayangauda has made considerable profits out of his agency, and he and his brothers exercise great influence owing to their familiarity with me.

(9.) *Navroji Dádábhái's Case.*—A Pársi liquor contractor of Daman, whose name will be found on the records, was brought me by Yádavráo Sáthe about the middle of June last. He had engaged Mervánji pleader to conduct his business with Mr. Crawford. He came in a tonga with Balvantráo, Mervánji's clerk. I took the Pársi to Mr. Crawford and introduced him. It was agreed between them that the sum to be paid was Rs. 10,000, of which Rs. 5,000 was to be paid at once with the petition, and the balance when the affair was settled. The date on which the payment was made was that of the letter to the Portuguese Government, and will be found on record. Mr. Crawford was suspended before the business was completed. I did not keep a record of the notes, but Mr. Crawford gave me Rs. 2,000, in notes of Rs. 500 and of Rs. 1,000. The amount was to be paid to Márvádis in Poona, and Rs. 3,000 was to be remitted to Bombay. I paid Kering Amarchand, Sobhárám Mánakchand, and others for some instalments of loans. The rest was to have gone down to Barjorji Pocháji, but Mr. Crawford afterwards changed his mind and took the Rs. 3,000 back from me, I don't know why: perhaps he was going down to Bombay himself or had some one else going down, by whom he wished to send the money. I don't know what became of the Rs. 3,000. I had them one day and Mr. Crawford took them back the next. A week after this he wanted Rs. 1,200, which I borrowed from Káyagaonkar, who paid him in person. I got notes for this amount from Sobhárám's shop and sent them up. The loan from Káyagaonkar was in my name. The day after, Mr. Crawford paid the money to Rámchandra Bháichand. This was all at the end of June or beginning of July 1888.

B.—Native Chiefs.

(1.) *Janjira.*—In December 1884 I was in Bombay, and one day Mr. Crawford gave me, through Daulatkhán, Rs. 25,000 in notes to be paid into the Paris Bank. I took the money to that bank accompanied, by Daulatkhán. I had a note from Mr. Crawford to the bank. After paying in the money I returned. The receipt was sent direct to Mr. Crawford afterwards. He would not trust Daulatkhán with so large a sum, but he did not want my name to be mentioned. Barjorji Desái was there when Mr. Crawford handed me the notes, and he told me the money came from Janjira. At this time I was intimate with Barjorji, who was just then using his influence with the Nawáb and his Munshi to get me an appointment as mentioned below. The witnesses in the case only mentioned as much of the money as appears in the State accounts. The whole amount was Rs. 25,000. All the money was paid by Barjorji and the Munshi, and Purandhare did not know anything more about it than that the money was drawn from the treasury. If he says more he is not speaking the truth. I was to have got the private secretary's place and afterwards the Kárbhári's at Janjira, and the Nawab asked Mr. Crawford about me. Mr. Crawford would not allow me to go. I had persuaded the Nawáb through Barjorji and the Munshi to apply for me. The story of the Vakil saying that the money did not go into

Mr. Crawford's hands and was invested partly in a bungalow purchased by Barjorji is all false. It looks like an invention of Purandhare directed against Barjorji.

(2.) *Bhor.*—Towards the end of 1887 the Pant paid Mr. Crawford Rs. 10,000. Some forest case was mentioned as the object of the payment, but I think it was in order to secure the general favour of the Commissioner. I am quite sure this was the object, and I inferred it from the conversations that had taken place with Mr. Crawford in my presence. I saw the Pant at Mr. Crawford's on one of those occasions, but he never went there with me. I have no distinct recollection of an interview between Yádavráo and Dáda Phátak at Mr. Crawford's house in March 1887, but I remember arranging with Dáda Phátak about a meeting between the Pant and Mr. Crawford at Shirval on Mr. Crawford's way from Mahábaleshvar back to Poona. I also recollect Dáda Phátak asking me what he should arrange for Mr. Crawford's dinner, and my asking the butler about it. I was dining at the Mámlatdár's house in Shirval with Dáda Phátak and Náráyanráo, my connexion, when a message was brought that the Commissioner wanted to see me and Dáda Phátak. I don't recollect if Dáda had previously sent word to the chief that I had come there. Mr. Crawford only remained about an hour. Dáda Phátak and I slept in the travellers' bungalow. About midnight some one came into the room when Dáda and I were sleeping, and said that Nátu wanted to speak to Dáda. I did not see Nátu on the occasion. I am quite sure I never went but once to Shirval on this business, and that it was in March or April 1887. I drove in a tonga I had purchased, and was keeping for the Chief of Garganti, whose Kárbhári is my brother-in-law. He asked me to buy him a trap and ponies, and I afterwards sent them off. The driver on that occasion is in the employ of the Chief of Garganti in the Hyderabad territory. The messman may have seen me at Shirval, but probably would not recollect it, as I was at the bungalow after dark and only stopped a few hours. The Mámlatdár would recollect me. He is a relation of Náráyan Ganesh Deshpánde, of Bijápur. It was in the rainy season of 1887, probably in August or September, that I discussed the matter of payment with Yádavráo, Dáda Phátak, and Bába Nátu. Nátu was acting as agent for the Pant, who did not trust Dáda entirely. The conversation took place some time in the morning in the Pant's Váda. We had other conversations in Dáda Phátak's house. The questions raised were those of the amount of the bribe, and when it was to be paid. There were three or four conversations on the subject, and all four of us were present on each occasion. No one else was by. It was arranged that the money, Rs. 10,000, should be paid to Mr. Crawford in person. I always went in company with Yádavráo, as I lived near the Váda, and he used to call for me. Nátu frequently visited Mr. Crawford, as he wished to gain the Pant's favour by managing the business alone. The money was paid to Mr. Crawford by Bába Nátu at Mr. Crawford's bungalow in presence of myself and Dáda Phatak. I did not see what the actual value of the notes was, but I saw Nátu hand them over. He and Dáda had called for me at my house about 10 a.m., and drove me to Mr. Crawford's. I knew they had been several times without me, and I had been with them two or three times before the notes were made over. I got nothing out of the sum paid; Mr. Crawford kept it all, and I don't know what he did with it. Afterwards Yádavrádo told me that the Pant offered us both through Bába Nátu and Dáda a present, but we declined it, as we did not think it safe to take money from a man we distrusted as we did the Pant.

I entered into the business with the object of getting the sum fixed. Mr. Crawford wanted Rs. 25,000, and my first interview about this took place about a fortnight after the Pant came up to Poona for the rains, and in the course of the interviews the demand fell from Rs. 25,000 to Rs. 10,000. The opposition arose from Nátu, who wanted to get credit both from Mr. Crawford and the Pant. Dáda was regarded by the Pant as favouring Mr. Crawford, because Dáda's uncle had served under the latter. Nátu told Mr. Crawford that Dáda and I were opposing an agreement, and that the Pant was offering us money to leave off obstruction. Mr. Crawford told me of this, and said that Dáda must not be left out of the arrangement. He said the same to Nátu. At Shirval I did not go to see the Pant. When we were told Mr. Crawford had arrived, Dáda and I set out and passed by the Chief's Váda. The Pant was saying his evening prayers (Sandhya), and we advised him not to delay, but see the Commissioner at once. We then went to the travellers' bungalow in advance, and the Chief came afterwards, and had a meeting with Mr. Crawford. I can't recollect whether I told Yádavráo or not that the money had been paid. I may have done so, but the fact was known to all of us. One point has not been noticed, that is, that Yádavráo, being a friend of the native agent at Sátára, went himself to get back the forest case mentioned above with the collector's endorsement upon it. After he brought these papers to Poona the

Commissioner disposed of the case, and the money was paid. It had been arranged that the bribe was not to be paid till the first case had been decided in the Chief's favour.

(3.) *Jath.*—The Jath Chief had spent large sums in connexion with the restoration of his powers long before I had anything to do with him, or Mr. Crawford came into the Central Division. Dáda Phátak knows all about those transactions, as he was Shirastedár to the agent for Deccan Sardárs, and probably got a large share of the money. One of his relations even now draws Rs. 75 a month from the Chief in recognition of Dáda's services. I used to communicate with the Chief through Rámráo Kadpikar, my brother-in-law, who got the post of State Vakil through Chitámbarráo Gádgil. I never communicated through Parvatikar, who is a friend but no relation of mine. I recommended him to Mr. Crawford for the post of political clerk to the collector of Bijápur, as he is a native of that district, and no payment was made in connexion with the appointment. Both he and Rámráo used to live with me. I did not speak to the Chief about Rámráo's appointment, but he must have known that he was a relation of mine. Chitámbarráo and Shankarbhat, the Chief's kárkun, used to communicate with the Chief for me at first. It was Chitámbarráo that introduced the Chief to me in January 1887.* He also began negotiations about the payment to Mr. Crawford. They all knew the whole affair. At first introduction the Chief could not afford to pay the sum fixed, which was Rs. 8,000. No more was ever given, I am quite sure of that. It was shown in the accounts as spent in small sums for various miscellaneous purposes, so that there was no necessity for destroying or tampering with the accounts. Nothing occurred during the rains of 1887 to hasten the payment. Vaidya, now Sángli Kárbhári, was at Jath and sent the money. Mr. Crawford personally told the Chief in Poona that when he (Mr. Crawford) went to Sátára, he wished the Chief only to see him in presence of the political agent. This was after the payment. The money was sent in notes by the hands of Shankarbhat, who lives with the Chief. It was in August or September 1887. The numbers of the notes can be found on record in the Bijápur treasury. The chief had no particular business on at the time, but he wanted to secure Mr. Crawford's general favour. After I had got the money I went and saw the Chief in his Váda in Poona, and told him I had received the sum. I did not send him a receipt for it by his kárkun. Mr. Crawford told me I was to expect the money, and the Chief had told him that it would be paid. I paid away the whole of the money to Kering Amarchand, Pratápmal Surtising, and other Márvádis under Mr. Crawford's instructions, and recovered the bonds they held against him and returned them to Mr. Crawford. Khásnavis, the Mámlatdár, was in Poona, and was present when the Márvádis were paid. It was at Kering Amarchand's shop. The notes were of Rs. 100 or 50, but there may have been one or two of Rs. 500 or 1,000 each amongst them. The fact that Khásnavis was present leads me to fix the date in 1886. He was in Poona on audit business, and went with me to Kering's shop. The Chief gave me Rs. 400 for myself as a present some time after this.

(4.) *Akalkot.*—About two years ago I went to Akalkot and put up with Shrinivás Krishna, a pleader, who is a friend and connexion of mine. He is the brother of Rághavendra Krishna, a pleader of Bijápur. I was on my way to Balkundi at the time, and stopped with Shrinivás at his invitation. The morning after my arrival I saw the Chief and his Kárbhári in the Darbár garden. Vithal Tikáji introduced me to the Chief, who discussed matters connected with the State and talked about Mr. Crawford. There was nothing pending in the Commissioner's office at that time in connexion with Akalkot, but the Chief spoke to me about getting him a salute and about a village belonging to Akalkot State which had lapsed to the Chief of Jath; also in connexion with the investment of the Chief with general powers in administration of the State. I was not commissioned by Mr. Crawford to sound the State officials on the above or any matters, but they spoke to me on the above subjects in the way of business, as they knew the position I held with regard to Mr. Crawford. I promised to mention the matters to Mr. Crawford and went on to Balkundi. There was no mention of payments on this occasion. In a fortnight or so I returned to Poona and told the Commissioner of my visit to Akalkot, and what the Chief and Vithal Tikáji had asked me to tell Mr. Crawford. I had not told Mr. Crawford before that I was going to stop at Akalkot.

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* Probably earlier, as Chitámbarráo left for Nagar in that month. See below about Khásnavis, which shows Hanmantráo is wrong in his dates.

In December 1886, when Mr. Crawford went to Sholápur, I also went. The Chief and Vithal Tikáji both saw Mr. Crawford on that occasion. One night the Kârbhári came to me and I took him over to the travellers' bungalow near the station, where Mr. Crawford was stopping, and introduced him. It was 8 or 9 p.m. when Mr. Crawford came back, and when I told him who had come he ordered me to send Tikáji in. The Chief had already seen Mr. Crawford in the daytime. I sent Vithal to Mr. Crawford's room, and they had some conversation which I did not overhear, as I was on the verandah. Vithal remained about a quarter of an hour with Mr. Crawford, and then we drove away. On our way home Vithal promised to pay me a visit soon in Poona, and said that the interview had been satisfactory. I understood what that meant.

Next day Mr. Crawford went back to Poona, and I returned in the same train. The Chief and Vithal Tikáji returned to Akalkot. Their visit to Sholápur had been arranged beforehand by official telegram to the collector. About a month later Vithal Tikáji came to see me in Poona, accompanied by an old man whom I don't know. Next morning we all three drove to Mr. Crawford's bungalow. We all sat in the visiting-room and had some general conversation at first, and then Mr. Crawford took me aside and told me to call Gopál, his confidential hamál. When I returned Vithal Tikáji and the old man were standing up preparing to take leave. Before we left the bungalow Mr. Crawford said aside to me that he had only received Rs. 4,000 out of the Rs. 10,000 that had been expected, and that the balance had been promised in a few days. He also asked me to hasten the payment of the balance. We then all drove back to Poona. On the way Vithal Tikáji told me that he had only paid Rs. 4,000 out of Rs. 10,000 which had been agreed to, and I asked him to hasten up with the remainder in order not to displease the Commissioner. The old man and the Kárbhári then returned to Akalkot. All this took place in January or February 1887. Mr. Crawford kept all the money he took from Vithal Tikáji, which I suppose was in notes, as I should have seen if cash had been carried into the house. Vithal did not mention to me on the way out that he had money with him. I did not see Vithal Tikáji again for over a year, nor did I go to Akalkot during that time. I do not think Mr. Crawford saw him either. Nothing had taken place during that year with reference to the matters mentioned by the Chief and Vithal Tikáji to me when I was at Akalkot. About the Holi of 1888 Vithal Tikáji came to my house with one or two servants in the morning and brought Rs. 4,000 in notes. We drove to Mr. Crawford's the same morning with the notes. Vithal Tikáji saw Mr. Crawford in the office-room and in my presence paid him the Rs. 4,000. I did not notice the value of the notes. Vithal Tikáji had told me that he had brought Rs. 2,000 in cash for which he could not get notes. I therefore told Mr. Crawford that I had received Rs. 2,000 in cash and left it at my house; this I said to remove any objection Vithal Tikáji might have to pay the money to me. There was some conversation on official matters on this occasion. Vithal Tikáji said that the old Ráni was giving much trouble to both the Chief and the young Ráni, and that they wanted to get rid of her. Mr. Crawford advised Vithal to get the Chief to make a petition through the collector and political agent officially, proposing to make her an allowance on condition of her residing elsewhere. Vithal Tikáji informed Mr. Crawford that an application to this effect had already been made to him, when Mr. Crawford said he would do something when the papers came before him in the usual course. Other matters were touched upon, such as the Chief's desire to get administrative powers. Mr. Crawford replied to this that if the collector recommended it he would support it. After some general conversation of this kind we returned to Poona. The Commissioner told me to send him the Rs. 2,000 after I had changed the cash into notes. After meals, about 11 a.m. the same day, Vithal Tikáji brought me Rs. 2,000 in cash. I was playing chess with a Joshi of Akalkot, whose name Yádavráo knows well; and Vithal Tikáji told me to warn him to say nothing to anybody about the payment. The Joshi was not on good terms with Vithal Tikáji, and hence the precaution. I don't know what Mr. Crawford did with his Rs. 6,000. He never gave me any of it to dispose of. Neither of the instalments were used in paying off Márvádis, at least not through me. Vithal Tikáji never saw Mr. Crawford except in my company. He was made first grade Mámlatdár after the first payment Some time after the second payment the Chief was invested with powers over his Khásgi expenditure. For my services I was paid Rs. 100 by Vithal Tikáji on the occasion of my conveying to him the information of the sanction of the Chief's investment with powers. This was last March or April.

C.—Government Officials.

Central Division.

B. G. Sindekar's transfer from Chándor was brought about as follows:—

Hari Sakhárám at Jalgaon had been unfavourably reported by Báláji Gangádhar Sáthe, and his friend Jog, the banker, wanted to get him transferred to Chándor if he was to be transferred at all from Jalgaon. Jog accordingly asked me to arrange it for Hari Sakhárám who had previously paid Mr. Crawford Rs. 1,000 and had been introduced by Jog and myself. In order, therefore, to serve Hari Sakhárám he was ordered to Chándor. About this time the Jávli man also wished for a transfer, and in order to serve him on account of Khimji Jiva, Sindekar was posted to Jávli instead of Jalgaon. It was not done for the purpose of extracting money from Sindekar.

I do not even now recollect Náráyan Sindekar coming to me about his brother's transfer. His face is familiar to me and he may have come. Kumtekar and Kalavde both spoke to me at different times about the cancellation of Sindekar's transfer and the price that would have to be paid for it. This was before Bálkrishna himself came. I had also heard from Khásnavis, Mámlatdár of Niphád, proposing to pay Rs. 1,500 if Sindekar was to get promotion, and I had replied that Rs. 2,000 were necessary. This was about a month or two before Sindekar's transfer was ordered. The first Rs. 1,000 paid to me by Sindekar was given to Rámbháu Vaishampáyan, banker, on account of a personal debt. Something was added to it on my own account. This was the day after the money was paid to me and would be the 11th or 12th of June. The same notes I had received were paid. On the same day I and Pitámbar Joshi passed a kháta to the same Sávkár for Rs. 1,000. Atmárámpant has my bonds which were purchased by Rámbháu, creditor of Khrisnáji Shrinivás. The bonds were cancelled and left with Atmárám. I borrowed Rs. 1,000 from Keri Amarchand and paid Rámbháu Rs. 2,000. Pitámbar Joshi knows this, also Atmárám. I owed Rámbháu altogether Rs. 3,000 and for the balance of Rs. 1,000 Pitámbar Joshi and I passed a fresh joint kháta. I meant to pay Mr. Crawford and to speak to him about it when a permanent vacancy occurred, as I thought he would forget it in the meantime.

About this time Báláji Gangádhar Sáthe was becoming estranged from Mr. Crawford and myself, and Hari Sakháram did not want to leave Jalgaon. The collector also thought his explanation satisfactory, and therefore when Sindekar applied to have his transfer cancelled Mr. Crawford was already prepared to do it. He knew nothing about the payment that had been made to me.

For a year negotiations had been going on, Sindekar being willing to pay something for promotion; it was only a question of the amount to be paid and on occurrence of a vacancy. I insisted on Rs. 2,000, and on receipt of that it was intended that I should speak to Mr. Crawford to get him the step. I had seen his uncle and Khásnavis about all this. When Bálkrishna Sindekar came to see me I did not threaten or intimidate him as he has stated in evidence, but merely reminded him of the terms on which I had insisted all along, and advised him to pay the money as soon as possible. The question of cancellation of transfer was to us, that is, to Mr. Crawford and myself, a matter of secondary importance, though Sindekar's visit to me was chiefly connected with that; the money he paid was not for cancellation of transfer, but for general permanent benefit. But in the meantime Mr. Crawford was suspended. I did mention to Mr. Crawford about Sindekar having come and that he was ready to come to terms, but he told me not to do anything for the present until there was a vacancy (this had reference to the taking of money), as there was a suspicion that things were going wrong and inquiries being made against him. He said that this was not the time for negotiations of that kind, but I took the money on my own account in order to relieve myself of the interest on my private debts.

Out of the second instalment of Rs. 1,000 received by post through Yádavráo Sáthe Rs. 300 were kept by him as a loan from me, and that was why I had told him to get small notes. He paid it back and everything he owed me on the day before my conviction. It was altogether Rs. 480. My sister's son, Náráyanráo Sheshgir, went and got it from him. The Nawáb of Janjira had sent a money order for Rs. 105 as subscription to Empress' Gardens to the address of Mr. Crawford. It was cashed by the office and kept by Yádavráo for some time. About a month after, when Sábáji, Yádavráo and I went to Mr. Crawford's bungalow to dispose of watan cases, Yádavráo

handed Rs. 150 to Mr. Crawford in my presence. He had borrowed from me for this repayment as well as for his own necessities. Rs. 700 out of Sindekar's second instalment remained with me. I can't remember what was done with this. Perhaps it may have been given to Atmárámpant, with whom I had a running account. Mr. Crawford did not know about this payment; it was devoted entirely to my own private purposes.

I told Sindekar, I remember, that it was better to see the Commissioner with a petition, but I do not know whether it was written in Poona or not. As it was virtually decided already that the transfer need not be made, there was no absolute necessity for his presenting a petition in person. I, however, did take Sindekar to Mr. Crawford under the circumstances related in his evidence. I can't remember who drove Sindekar and myself to Mr. Crawford's house. I had not a carriage of my own at that time and used to hire various public conveyances.

B. N. Dabir.—I think it was Yádavráo who first spoke to me about Dabir and his wish to get promotion. I also think the settlement was done by Yádavráo with Javhárkar and Sátbhái. Of course, the two latter had come to me many times to speak to me about it, but Yádavráo was my most confidential adviser, and I had to consult him as to the feasibility of a step before definitely settling. I did not speak about the matter at all to Mr. Crawford when I informed the latter that I had actually received Rs. 3,000. Dabir paid Rs. 1,600 to me in notes. I do not recollect whether I had this money with me when I went to Mr. Crawford with Dabir. Mr. Crawford gave the latter an assuring reply. The notes and cash must have remained with me, and I must have employed them about the time I received them in paying off Keri Amarchand, Sobhárám Mánakchand, or Atmárámpant Lingáyat. The evidence given by Javhárkar and Sátbhái about their visits to me and negotiations on behalf of Dabir are correct; only I think Yádavráo Sáthe had something to do with it as well. I did not hand the notes for Rs. 1,600 to Mr. Crawford, but kept them together with Rs. 1,400 left at my house in cash. I may have taken the money with me to give assurance to Dabir, but when I had told Mr. Crawford that Dabir had paid Rs. 3,000 there was no need to hand over the money. Yádavráo and I had agreed that in order to secure ourselves, Dabir should be taken to the Commissioner to be assured that the money was paid, because we did not think it likely that anything could be done for him at once. I told Dabir plainly that he would have to wait for a long while before he got his mámlat. Yádavráo Sáthe and I were present at Mr. Crawford's bungalow when the memorandum embodying Dabir's appointment to Bhusával was drafted on the 19th December 1887. Yádavráo Sáthe drafted the memorandum. I do not remember the particulars of Dabir's designation as head kárkun, Khándesh, instead of Sháháda. I do not know who drove Dabir and myself to Mr. Crawford's house.

R. K. Vinze.—I know Vinze, who was suspended at the time he came to see me. He paid me Rs. 1,000 to try and get his order of suspension cancelled and also for a mámlat. I returned Vinze's money to him because he spoke disparagingly of me to Mr. Pendse, a conversation which was reported to me by Yádavráo. Vinze afterwards prayed me to take the money, but Yádavráo did not wish me to take it. I did, however, take it. Why should not I have taken Vinze to the Commissioner as I took other Mámlatdárs, if it was necessary to assure him? I went with Vinze to Mr. Crawford's house, but do not remember that any particular expressions of assurance were made use of by Mr. Crawford when addressing Mr. Vinze. I think I was inside a bungalow at the time and Mr. Crawford spoke to Vinze in the verandah, so that I did not hear what was said. I can't say what was done with the money received from Vinze, but it must have been disposed of by me in accordance with Mr. Crawford's orders. I did not hand the money over to Mr. Crawford; of that I am certain. Vinze paid me nothing extra for myself.

G. P. Thakár.—I remember Thakár coming to me with Rs. 1,000 in notes. I was with Bápat at Mr. Crawford's bungalow outside the room in which Thákar was having an interview with the Commissioner; this was a day or two previous to the payment that was made to me. Mr. Crawford told me that I was to receive Rs. 1,000 from Thakár. When he brought the money Thakár simply asked me to speak favourably of him to the Commissioner. I can't remember now what was done with that money.

D. B. Paránjpe.—I remember Dáji Ballál Paránjpe's payments. He paid me direct Rs. 2,000, but I do not remember in how many instalments. I first asked him Rs. 3,000. Yádavráo Sáthe had introduced him to me. He was probationary Mámlatdár

in Nagar District formerly and was degraded by Mr. Robertson. He wished to be reinstated and came to see me about it in 1887. I advised him to make petition to his collector, Mr. Woodward (he was Awal-kárkun in the Násik District at the time). I can't remember how the payments were made, but I received altogether Rs. 2,000 and he was appointed acting Mámlatdár somewhere in the Násik District. After the appointment the district authorities protested against his promotion.

I told Mr. Crawford that he had paid the money and introduced him to Mr. Crawford during the negotiations. I am quite sure Mr. Crawford knew of his intention to pay Rs. 2,000 in full, but he may have made only a part payment about the time he was appointed. I do not remember drafting the memorandum in which his appointment was included. The transactions were so numerous that I cannot remember all the details of a particular case. The Rs. 2,000 received from Dáji Ballál Paránjpe I must have disposed of in favour of Mr. Crawford, but I do not remember how. If it was remitted to Bombay by me I must have sent it to Barjorji Pocháji; if paid in Pooná it was to one of the three persons already mentioned. I used to keep such moneys very often until I got orders from Mr. Crawford to dispose of them. Paránjpe paid me about Rs. 200 for my services apart from the sum received for Mr. Crawford. He paid me in person.

R. Y. Chaubal.—I know Rámchandra Yashvant Chaubal. He paid me Rs. 500 through Atmárámpant Lingáyat and was made an acting Mámlatdár about May or June last. I had asked him for Rs. 1,000, but as he agreed to pay a full sum afterwards, I accepted Rs. 500. I introduced him to Mr. Crawford before his payment, and had told Mr. Crawford that he was willing to pay Rs. 1,000. The money received from Chaubal I paid over to Atmárámpant Lingáyat for gold purchased from him previously. I used to buy gold from Atmárámpant, or rather get advances in that way than by actually getting loans. This was my own arrangement, and was not known to Mr. Crawford. Chaubal paid nothing extra to me for my services. He was superseded several times, but this was not with the view of extorting money from him. I had nothing to do with his acting appointments, but I know that he was transferred several times. He paid me Rs. 500 in person at my house. His frequent transfers had nothing to do with his reluctance to pay, and were not made with the view of extorting money from him. His original appointment as Mámlatdár was due to his share in the Bahádurvádi Deshmukh's case, as already mentioned. Lele, Phulmandikar, Dravid, Vágle, Paránjpe, Patwardhan, Shálom Bápuji are the men who several times superseded him; but Lele, Phulmandikar, and Dravid were all appointed acting before Chaubal.

W. D. Nagarkar paid me on two or three occasions through Kumtekar and Yádavráo Sáthe for promotion. I forget the sum total of his payments.

L. M. Deshpánde paid Rs. 500 to me direct. I cannot give particulars, but I remember he was transferred to either Pimpalner or Taloda, and objected to go. He was afterwards appointed Native Assistant to the Commissioner. He was recommended by me gratuitously when he came to Poona with a letter from Mr. Woodward, and apologised for language he had used about me to various persons. Pendse's recommendation was in answer to a reference from the Commissioner. I showed the Private Secretary's note to Deshpánde with reference to Mr. Crawford's intentions towards myself, a question which turned up in friendly conversation.

V. R. Kelkar was appointed on audit duty to Sátára at the end of 1886, about the same time that Khásnavis was appointed to Poona. He was afterwards transferred to Taloda, and Deshmukh spoke to me about it. Kelkar also saw me during the Christmas holidays, and I, being an old college friend of his, blamed him for not coming before. I had nothing to do with the transfer to Taloda. I did not speak to him direct about payment, as I had already mentioned it to Deshmukh. He went to Taloda and from thence he was shortly after transferred to Nagar, where he did duty as Mámlatdár, and was then made acting Huzur deputy collector. Later on he was transferred to Násik. He paid Rs. 500 through Deshmukh before he was transferred from Násik. I received it from Deshmukh from Nagar. I forget whether he brought it in person or sent it, but he often used to come to Poona from Nagar. I did not receive any money from Kelkar direct. All I received was from Deshmukh, and did not exceed Rs. 500. There was only one payment. An anonymous letter from Ráhuri stated that Kelkar was abusing Mr. Crawford, and he and I were annoyed at this. This was why he was tampered with, so as to show him my influence.

V. K. Dravid is an old college friend of mine. He was at Poona on furlough in 1886 and 1887 and came to see me. I took him to Mr. Crawford's bungalow. Mr. Crawford was out at the time, and on looking through the list of candidates on Mr. Crawford's table we came across a pencil remark against Dravid's name, " To be superseded." I did not know of the existence of this remark though I might have seen it before. He was agitated about this as he thought it would debar him from promotion. He said it must be a mistake in the office, as a subsequent Government Resolution had exonerated him, and he wanted me to intercede with the Commissioner in his behalf. I had no intention of introducing Dravid to Mr. Crawford that day; he merely drove with me as I was going to the bungalow. Afterwards it was arranged between Dravid and myself that he should pay me Rs. 1,000, and as he was at the top of the list he should get a mámlat. He then returned to Sátára and I did not see him again till he was appointed Mámlatdár at Poona, when he sent me Rs 1,000 through L. M. Deshpánde. He cancelled the rest of his furlough when he was appointed Mámlatdár.

B. B. Pradhán paid me Rs. 2,000 in two instalments of Rs. 1,500 and Rs. 500 through Atmárámpant Lingáyat. The latter introduced him and he brought the money. The payments were made in order to secure promotion.

V. A. Patwardhan came to me and asked for my assistance through Rághavendraráo Kattigeri in March or April 1886. He must have paid Mr. Crawford direct, or, as I afterwards heard, through Balvantráo Godbole. I do not know the sum. This took place when I was away from Poona, between May and July or August 1886. He was already head clerk in the Commissioner's office when I returned to Poona from my village. I distinctly remember that I never negotiated for him except for getting him the appointment of Mámlatdár in September 1887 when he paid me Rs. 500. Though nominally appointed he was never allowed to join, and Paránjpe, who had paid money, was appointed to act from him.

M. B. Khásnavis first saw me in August 1886. He wanted to be made a deputy collector. He had been recommended by the collector for a place of deputy collector, but not having passed the higher standard I told him that could not be done as he was not a H. S. man, but I said I could get him a first grade mámlat. He was an intimate friend of mine, and was trying for the post of Kárbhári at Jamkhandi. It is true that Khásnavis and I went to Mr. Crawford's house one night at about 8 o'clock. I went in to Mr. Crawford and then called Khásnavis in and advised to talk quietly as he was inclined to speak too loud. I arranged between Mr. Crawford and Khásnavis that the latter should pay Rs. 2,500 as a loan. I first received Rs. 700 from him from Niphád by registered letter and then Rs. 400 in notes. I next sent a Márvádi, Tárachand of Kering Amarchand's firm, to Khásnavis and asked him to pay the Márvádi something as a loan for me. The Márvádi was pressing me for an instalment on Mr. Crawford's loan. Khásnavis accordingly paid Rs. 400. He wrote and told me he had paid. I subsequently received the balance of the money. I think it was Rs. 1,000 from Khásnavis in person at Poona. I asked him before this if he would like to audit the Jamábandi accounts at Poona, and took him to Mr. Crawford a second time, who asked him to pay the remaining Rs. 1,000. The question of his going to Jamkhandi was under consideration by Khásnavis as the Chief had applied for him. I told Khásnavis that the whole Rs. 2,500 would be returned to him, and it was then that he paid me the balance of Rs. 1,000. It was only about two or three months before Mr. Crawford's suspension that I sent my priest Bhimáchárya to Khásnavis with a note asking him to pay him something as charity, and he gave him Rs. 200, of which Rs. 100 was brought to me and Rs. 100 was sent by Bhimáchárya to his village of Halsigi. Khásnavis got his promotion to first grade before the final payment was made. I had told Mr. Crawford that Khásnavis had rendered me a service, and it was partly owing to this that Khásnavis got his grade. The loan was never repaid and was not asked to be repaid. No bonds or receipts were given to Khásnavis. Khásnavis is an extravagant, careless man, and was never unwilling to pay the balance of the sum promised by him.

S. B. Bápat paid personally to the Commissioner. My information was that the Commissioner asked him direct and he paid direct something like Rs. 2,000.

Yashvant Ballál Támbe gave Rs. 500 through Deshmukh to be transferred to Kopargaon and to get promotion. The time can be fixed by date of " Gazette " containing his transfer.

Devráo Kacheshwar paid me Rs. 1,500 through M. K. Kumtekar and Yádavráo Sáthe. He was prepared to pay Rs. 1,500 more to be sent back to Amalner, but I would not

take it, as I had another man in view. He came to Poona on his way from Khándesh to Peint, and leave to him was granted by Mr. Crawford on the day he got the title of C.M.G.

Vishnu Bápuji Soman paid me Rs. 1,500 through a native doctor called Ghoré. He was transferred to Válva in the Sátára district, but since the Parbhu element predominates in Sátára, Bráhmans don't care to serve in that district. He, being an old man and a corrupt man, did not care to face the risk. He came to my house with Ghoré and offered to pay Rs. 2,500. When we went to the Commissioner's house Mr. Crawford asked for Rs. 1,500 before I mentioned the sum Soman was prepared to give. On my afterwards telling Mr. Crawford that Soman was ready to give Rs. 2,500, he told me he did not care to raise the amount he had once named. Dravid and Agáshe are instances of Bráhman graduates who have suffered through Parbhu intrigues in Sátára. I call him corrupt only from the rumours I had heard of him when he was at Erandol. I have no ground properly so called to call him so. And this holds good in the case of every man whom I have called corrupt, some being more notorious than others.

Narhar Bápuji Dámle is father-in-law of V. A. Patwardhan, the head clerk. I had no direct communication with him, but only with Patwardhan. He requested that his father-in-law should be kept in the táluka in which he was then serving, and should get promotion. He was accordingly appointed *sub. pro tem.* 3rd grade out of his strict turn to please Patwardhan, who paid Rs. 500 for the service. It is a pity this case was withdrawn, as it was an appointment which it would have been difficult for Mr. Crawford to explain.

Mádhavráo K. Kumtekar is a subject of Mudhol, and his father and brother live there, and my brother-in-law is very intimate with them. There was a chief constable at Mudhol named Vyásráo Tánksálé, and his family too had been intimate with ours for some two or three generations back. Vyásráo had been to Poona at the beginning of September or October 1886, and he spoke to me about Kumketar. I think they had arranged that Kumtekar should be there at the time. I knew Kumtekar before, but Vyásráo brought him to me, and we discussed the question of his promotion. Kumtekar was at this time the Mámlatdár of Igatpuri. He had tried his best in Mr. Robertson's time to push the claims of graduates, and chiefly of himself, but his contention being inconsistent with the rules, his application was rejected just about the time Mr. Crawford came into the division. Kumtekar being thus disappointed wished to try the other means, viz., that of paying money, to get promotion. I therefore spoke to the Commissioner, and there was at that time a *sub. pro tem.* vacancy in consequence of the appointment of Mr. Bivalkar on special duty at Sátára. Kumtekar had promised through Vyásráo that he would pay Rs. 500 on getting *sub. pro tem.* promotion. He was duly appointed, and I received the money through his brother, a student in the High School. After he was appointed *sub. pro tem.* he paid Rs. 300 to be made permanent in the Mámlatdárs' grade. I asked for Rs. 500 in Mr. Crawford's name, but as Yádavráo pleaded for him that he was unable to pay that sum, I took Rs. 300. His appointment was made rather to oblige him than as a reward for his payment. His explanation that he was superseded several times is not correct. At the time of his *sub. pro tem.* appointment, for which he made the first payment, he was not superseded by anybody, and not certainly by Messrs. Joglekar and Bindu Gopál. The former was appointed *sub. pro tem.* Mámlatdár on the 19th November 1886, and the latter was appointed probationary on the 17th December 1886, without being first appointed *sub. pro tem.* at all. Mr. Kumtekar was made *sub. pro tem.* on the 4th October 1886. Therefore I have no hesitation in saying that Mr. Kumtekar's statement with respect to his alleged supersession is not correct. I see from his evidence that he introduces his maternal uncle, but this person had nothing to do with the matter. He questioned Vyásráo as to whether he was willing to give evidence, but Vyásráo refused to give evidence against me, and then the maternal uncle was introduced.

M. R. Bivalkar was intimate with B. G. Sáthe in Sátára, and he paid me through Dravid and Deshpánde Rs. 500 in order to secure promotion. When Dravid was going to Párner he spoke to me about Bivalkar, and I said that he would have to pay Rs. 500 for promotion. This sum was afterwards sent to me by Dravid through L. M. Deshpánde. Bivalkar was promoted to the second grade.

K. V. Bháve paid me altogether about Rs. 2,500, as far as I remember in two or three instalments through Deshmukh for promotion and transfer.

H. R. Patwardhan paid Rs. 1,000 to me through Deshmukh, in order to get the place of head clerk, and was actually recommended to the Collector of Khándesh for the appointment, but did not get it. Mr. Crawford afterwards told me to pay him back the money, and I did so, allowing Deshmukh to deduct the amount from other payments that were due to me. I cannot recollect when the sum was repaid. I had various transactions with Deshmukh connected with receipts of money, and I cannot remember the exact cases in which sums were deducted.

W. R. Patwardhan also paid me Rs. 900, in two instalments of Rs. 500 and Rs. 400, for transfer to Poona from Bhusával and subsequent promotion. The payments were through Deshmukh.

M. N. Phulmandikar paid me Rs. 1,000 for a mámlat about two years ago. He is a class-friend of mine, and came to see me about it in person. I did not introduce him to Mr. Crawford, he did not wish it, but he trusted me and brought me the money from Mádha after he became Mámlatdár. I mentioned the matter to Mr. Crawford before the appointment was made. Phulmandikar is intimate with me and has acted as sub-agent in some watan cases. He gave me ornaments worth Rs. 1,000 after my arrest, which I pledged with a Gujaráti Bania in the Aditvár Peth.

R. G. Mangrulkar.—Rámchandra Govind Mangrulkar, Mámlatdár in the Sholápur District, was introduced to me by Kalavde and Deshmukh. Mangrulkar saw the Commissioner personally with me, and the Commissioner told him what money would be required. Mr. Crawford always asked exorbitant sums from persons who saw him, because he wished to discourage personal negotiations. I afterwards saw Mangrulkar on several occasions when going to and from Balkundi, also at Poona. He also kept a tonga for me, which I had bought for the Chief of Gudganti, at Sholápur, last year. About Rs. 1,500 or 2,000 were paid by Mangrulkar and received by me from Deshmukh or Kalavde. I was present when Mr. Crawford asked Mangrulkar for the money, so expected to get it. Any communications that were held with Mangrulkar were carried on by Deshmukh or Kalavde. Mangrulkar got *sub. pro-tem.* first grade promotion for his payment. This was about two years ago. Mangrulkar belonged to the first set who paid.

R. A. Mádhekar.—Mádhekar paid Rs. 1,000 or 1,200 about the same time, but came to Poona in person, with a letter from his collector (Sholápur), which he gave to Mr. Crawford. He also saw me and afterwards sent me the money by hundi, and through one of his relations who lives in Poona and is in the Agricultural Department. One Vásudev Shankar, chief constable of the Southern Division, was pressing Mr. Crawford for repayment of his money. Mr. Crawford asked me to arrange it. This I arranged by cashing at Paránjpe's firm in Poona a hundi for Rs. 500 which I had received from Mádhekar. Mádhekar had previously spoken to Mr. Crawford about payment. I was not present when he delivered the note to Mr. Crawford, but I was at the bungalow and saw Mr. Crawford after Mádhekar's interview. Mádhekar was then called back, and in my presence Mr. Crawford told him to pay the money to me. Mádhekar can't write well, and paid in order to avoid a transfer from the Sholápur District. He had been put in orders for Tásgaon, I think. Kalavde and Deshmukh had nothing to do with Mádhekar's case.

N. V. Bhat.—Náráyan Vishvánáth Bhat paid me Rs. 1,000 for a transfer about a year ago. Kalavde managed the business, I think, with the Chitnis of the Collector of Sholápur, named Vásudevráo. Bhat paid his money in advance of his transfer. He was incapacitated for active work and the Sátára Collector, Mr. Grant, put him on six months' leave. He was afraid of having to retire, and therefore wanted to get a transfer from Sátára. He was sent afterwards to Málsiras, which is a quiet place. I told Mr. Crawford I had received Bhat's money. Rs. 500 extra were wanted from Bhat for his promotion. Attempts were made by me to get this money through Deshmukh, who was at Nagar. He also interested himself in the matter, but I did not get the money from Bhat. I remember Yádavráo Sáthe preparing a draft list of promotions with me, in which Deshpánde's name was entered, but Mr. Crawford did not like it, as Deshpánde was low on the list, and he substituted Bhat's name, which was first on the list. Bhat particularly asked for Málsiras, and is a great friend of the Sholápur Chitnis, Vásudev Ballál.

B. N. Dáni.—Kalavde brought Dáni to my house, I remember, but can't say exactly when it was. There was some complaint against Dáni from the collector; therefore he wanted to be transferred from the Nagar to the Sholápur District. Deshmukh and

Kalavde first spoke to me about this, and Dáni's transfer was arranged without previous payment to me. Dáni came after his transfer to see me with either Kalavde or Deshmukh or both. The price to be paid for the transfer was arranged by Kalavde and Deshmukh. All I had to do was to get it done. The money paid in Dáni's case was Rs. 500. He was transferred to Karmála. He superseded some Mámlatdárs. I can't remember whom, but Dáni had first-class magisterial powers, and Mr. Crawford's principle was to give promotion to men with first class and summary powers, and money was generally taken from men of this kind when promotion was going. I received the whole Rs. 500 through Kalavde or Deshmukh. The Commissioner had made a remark in the blue book about Dáni superseding Kelkar. I saw the blue book in his house and the remark in it. For the Rs. 500 paid by Dáni he was transferred and subsequently promoted. The low price asked of him was on account of his being a Deshasth Brahman, a caste I always favoured, and this is why they all stand by me now.

G. B. Mulekar also paid some Rs. 400 or 500 through Kalavde and Deshmukh. The money was for promotion. Mulekar never came to see me in person, nor did I ever communicate with him direct about payment. Kalavde and Deshmukh managed it all for him. Mulekar was promoted to second grade before the money was actually paid. He was then at Jalgaon and was afterwards posted to Karjat.

Bindu Gopál paid me Rs. 1,000 about the same time through Deshmukh, who was the active agent, though Kalavde was the medium of communication; but I afterwards heard that Deshmukh had actually received Rs. 2,000 from Bindu Gopál. The latter once came to see me with Deshmukh. I never took him to see Mr. Crawford. I do not know if he went alone. He was acting Mámlatdár at the time of payment. He was first on the list for a mámlat and got it pakka before I received the money. Bindu Gopál was, I think, appointed to Sángola before payment.

R. V. Dashputre.—I know Raghunáth Vásudev Dashputre. He was one of the first men who came to me. Balvant Vináyak Godbole knows about this, and first spoke to me about him, or it may have been the banker Vaishampáyan. He was transferred from Poona as he was a weak man and people did not like him. Both Balvantráo Godbole and Vaishampáyan negotiated for him, but I don't know who began it.

He paid about Rs. 300 or Rs. 400 through Godbole to avoid a transfer to Nandurbár, and was posted to Nándgaon. The sum was small as he was one of the first to pay. His transfer was simply arranged with a view of getting a strong man for the city brought to Poona. Deshmukh had spoken to me for W. R. Patwardhan, who was a suitable man.

B. G. Sáthe, Narsopant Godbole, Secretary, Municipality, and Bhagvant Narsinv Jog were friends and of the same company and they wanted Bhagvant Narsinv Jog brought back to Poona, but Patwardhan was appointed as Dashputre was too weak to resist the intrigues of the above party.

R. H. Rájguru was intimate with B. G. Sáthe in Sátára. He was introduced to me by Atmárámpant. I remember Rájguru's grandmother coming to me on two or three occasions. She was first brought to me by Atmárámpant about two years ago. She wanted to secure promotion for her grandson. Rs. 1,000 was to be paid in advance, and I remember Atmárámpant brought me the money. It came in the shape of a hundi, which was cashed by Atmárámpant and the money paid to me. I can't say what was done with the money. I told Mr. Crawford that I had received the money. It must have been disposed of on his account, but I cannot say how. Before the money came I saw Rájguru, who came with Atmárámpant. Rájguru then held an appointment of deputy chitnis in the Sátára District. I introduced him to Mr. Crawford, and it was after this that the money was paid. In Rájguru's presence I told Mr. Crawford that Rájguru had paid, just as I had done in Dabir's case. The reason was the same, Rájguru being low on the list. I never sent a note to Sarasvati demanding payment of the money. I had distinctly told Rájguru that he could not get a permanent mámlat at once, but that it would take time. He came to see me once or twice after payment to remind me of my promise, and I told him I would remind the Commissioner. In July 1888, Rájguru came to Poona, as I thought, at the suggestion of B.G. Sáthe, so I refused to see him. I offered several times to return Rájguru's money, but he would not take it.

N. V. Devbhánkar.—Náráyan Váman Devbhánkar is a great friend of Mr. Pendse. A relation of Devbhánkar was brought to me by Yádavráo Sáthe and L. M. Deshpánde, This was a month or so before Devbhánkar's transfer from Peint. The object of the

visit was to get Devbhánkar transferred. I settled the matter with that man for Rs. 500, which was subsequently paid through Yádavráo Sáthe, the transfer being made before the money was received. If Mr. Pendse says he referred people to me in irony or in disgust at my position, he is probably correct.

N. K. Pendse.—He has joined our party, and has paid about Rs.400, I think, through Deshmukh or Kalavde. He was promoted from fourth to third grade, and posted to Kalvan, where he got magisterial allowance. He was entitled to these promotions, and that is why so small an amount was taken from him.

V. V. Lele paid Mr. Crawford, through Balvantráo Godbole, in May or June 1886, when I was away from Poona. He paid to become pakka Mámlatdár. I heard the sum paid was Rs. 1,000 or Rs. 1,500. He came to see me after I returned to Poona, and the Commissioner told me to remember the man. So Lele used frequently to come and remind me. He used to visit Mr. Crawford about his promotion, but I did not go with him. He was made acting Mámlatdár shortly after his payment.

S. A. Nátu was mentioned to me for promotion in 1886 by his brother, who practices as a pleader at Bhiwndi, and is an old class-fellow of mine. The brother paid Rs. 2,000 direct to Mr. Crawford for Sadáshiv's confirmation as Mámlatdár, in August 1886. I introduced the pleader to Mr. Crawford, and was present when the money was paid. I saw Nátu about March or April last for the first time.

Hari Sakhárám paid Rs. 1,000 to Mr. Crawford at his house. Jog accompanied him, and had asked me to previously speak to the Commissioner about him.

Hiráji Frámji paid Rs. 3,000 through Barjorji Shápurji Desái, of Bombay, in 1887. Barjorji Shápurji told me this. I had nothing to do with it, nor do I know the man. Barjorji Shápurji was Mr. Crawford's most confidential agent up to the very last, but some days before my conviction Mr. Crawford told me that Barjorji Desái had deceived him in certain matters.

R. N. Joglekar.—His father, Náráyan Bhikáji, was a great friend of my maternal uncle, Shrinivás Shesh, and my uncle, Shrinivás Krishna. The former was daftardár to Mr. Havelock when he was Commissioner. The latter was subordinate judge. I used to go and see Náráyan Bhikáji, but he never did *khatpat* through me. Mr. Crawford distrusted Náráyan Bhikáji, and had no dealings with him. Náráyan Bhikáji had nothing to do with the Tásgaon case. Rámchandra Naráyan was an old school-fellow of mine. Shortly after Náráyan Bhikáji's retirement, as Mr. Crawford had already promised him he would promote his son, Lakshman Joglekar came to me and said that he wished to enlist Mr. Crawford's sympathy on Rámchandra's behalf, and that Mr. Crawford's promise about Rámchandra might be performed. I took Lakshman to Mr. Crawford's bungalow, and the matter was discussed between us, but Mr. Crawford would not take anything less than Rs. 3,000. This sum was accordingly agreed upon, and the interview closed. Lakshman, who is a clerk in the collector's office, paid Rs. 3,000 direct to Mr. Crawford in my presence. This was about two years ago. It was settled between Mr. Crawford and myself to manage that Mr. Pendse should make a request to Mr. Crawford about the advancement of his son-in-law; so I advised Lakshman to move Mr. Pendse to speak to Mr. Crawford about it. Mr. Crawford told me that Mr. Pendse did make the request. But I cannot say positively whether Mr. Pendse did do so or not. I saw Rámchandra after the payment, and not before. Lakshman had done no other business of this sort with me.

Pralhád Krishna Sháháne.—This man paid through Khandáppa Gulve, or some other man from Ratnágiri. Sháháne paid when he was transferred to Nandurbár or Pimpalner from Sinnar. Mr. Crawford, while on tour (end of 1886 or beginning of 1887) sent an order from the districts cancelling the transfer to Pimpalner, and putting him on at Chálisgaon. I suggested the transfer to Pimpalner. Sháháne was chitnis to the Commissioner, Mr. Robertson, and made himself unpopular in the office. At the request of Chitámbarráo and Yádavráo, who even in those days were my friends, though not my confidential agents, I removed Pralhád from Sinnar as a punishment.

W. P. Láte.—I say he has paid because Mr. Crawford told me to bear him in mind when promotions were to be made. He was promoted out of his turn. His brother, the pleader, approached Mr. Crawford through Pálande.

Mir Chiragudin.—He paid Mr. Crawford through one of the Bombay men, whom I do not know. Mr. Crawford was intending to favour him, but he did not actually receive any return. Mr. Crawford had visited Málegaon frequently.

L. M. Sáthe.—I do not know of any payment, but from his being given the golden táluka of Sinnar by Mr. Crawford, without any recommendation, I am inclined to think a payment was made. Though I tried to turn him out of the táluka, Mr. Crawford would not agree. Chitámbarráo was Lakshman's enemy.

R. B. Náchane.—He is a Parbhu, and has received no favour. He is at Indápur, and the Commissioner would not allow me to remove him. I am talking of a time before Mr. Keyser's recommendation, that he should not be worried. I am inclined to think he paid.

A. A. Bhosekar paid, I was told, Rs. 1,000 through Anantbhat Pálande. Bhosekar was a favourite of Mr. Moore.

B. N. Jog.—No money was paid by Bhagvant Narsinv Jog. Mr. Crowe had written to Mr. Crawford in his favour, and as he was an enemy of B. G. Sáthe, and promised to give evidence of the latter's corruption, he was posted to a good climate at Igatpuri. Mr. Crawford was suspended soon afterwards. I arranged the transfer for Jog, and introduction to Mr. Crawford. This I did at the instance of Nátu, and to get evidence against Sáthe. This is the only case in which Nátu interested himself with me, and I was not paid on this account, though Mr. Nugent was told that I had asked Rs. 5,000 from Ráste.

Mohaniráj Eknáth.—Negotiations were being made by Deshmukh in the early part of the current year about promotion for this man, but they never came to maturity. Deshmukh said that Mohaniráj was willing to pay Rs. 1,500, and I agreed to the amount, but there was no vacancy for him, and I never got the money. Pálande told me that he had received Rs. 700 from Mohaniráj, a year or two ago, for promotion.

N. D. Limaye.—I was absent from Poona for two months, from May to July or August 1886, and am not aware what was done in the case of Náráyan Dádáji Limaye, Treasurer of Sholápur. His promotion to that post was arranged through Alsingráo. Both Alsingráo and Nána Limaye told me this, but did not tell me what he had paid. Nána Limaye was my class-fellow in Poona, and I had known him in Bijápur District, when he was clerk in the Kaládgi jail. Alsingráo, too, I had known a long time. I am under the impression that Alsingráo procured this favour on account of his having assisted Mr. Crawford in the matter of Dáda Ashtekar's papers, and that no payment was actually made by either Alsingráo or Limaye.

Vishnu V. Ránade.—I do not know of his having paid money. I promoted him to oblige him. He was first on the list. He was some years ago Kárbhári of Mudhol. Before him a case came in which my brother-in-law, brother of Náráyanráo Deshpánde (Venkatráo), was interested. He had a claim against the Chief of Mudhol, on account of some land of his which the chief was in illegal possession of. The kárbhári, as a matter of right, reported favourably on Venkatráo's claim, and the political agent directed the restoration of the estate, with arrears. The kárbhári was strict and impartial, but the people of the State thought him high-handed, and found him obstructive to their intrigues. In the meantime the Chief was invested with powers, and, being inexperienced, fell into the hands of persons who bore malice against the kárbhári. He reported to Government that Ránade had taken money in connexion with the above claim. On this Ránade was put on his trial before Mr. Hosking or Horsley, specially deputed by Government. Mr. Hosking found him not guilty, and the persons who had instigated the Chief were—13 of them—summarily dismissed by order of Government. Mr. Hosking expressed his opinion that my brother-in-law's claim was valid. I advised my brother-in-law not to provoke the Chief further, and the land is still remaining in the Chief's possession. For the service rendered by Ránade I obliged him by promotion. No money was taken from him by me, nor, as far as I am aware, by Mr. Crawford. I told this to Yádavráo at the time of appointment.

R. S. Náik.—He paid nothing and he received no favour, but he belongs to our party, and was not pressed because he is a near relation of Kalavde's.

Vináyak V. Phadke.—I know that he came to Poona and opened negotiations with me. But for some reason or other the transaction was not completed. He was first grade Mámlatdár and Deshmukh was anxious that he should not receive any favour and should thus be made to retire, by which Deshmukh would have room for his patronage.

Mahádev S. Khándekar.—He was about to pay, but the levy was deferred; he received no favour,

Pándurang V. Rasál.—This man came to Poona thrice to get my favour, and L. M. Deshpánde spoke to me about him as a message from the Mámlatdár of Yával. I postponed his case and no favour was shown to him. I had still men of my own to provide for.

Vishnu Hari Shilkhre.—He is a corrupt Mámlatdár and he offered me money. I was not in a position to do anything for him then, and did not take his money.

Náráyan K. Godbole.—He is an old-fashioned man, full of vices. He came to Poona, bringing Rs. 100 with him. But he went away, as he would not get an interview of the Commissioner. He has received no favour, and as far as I know, has not paid. Yádavráo and Kumtekar know he came with money, one or both of them.

Krishnáji S. Mundale, a graduate of the worst type, vicious. He opened negotiations with Mangrulkar, but I would have nothing to do with him. He has not paid, nor has he had my favour.

Dádáji Sakháram.—I know nothing of this man beyond the fact of Khimji Jiva's interesting himself for him. He has not received any official favour.

Mahádev T. Chiplunkar.—This man did not pay anything, but was appointed Mámlatdár as he was then thought to be first on the list, and as a favour to Mr. Shitárám Chiplunkar, who was on terms of intimacy with Mr. Crawford.

Rango Rámchandra Bhárdi.—I did not attempt to get any money from him as he was the only Deshasth Karhádá in this division; nor am I aware that he paid anybody. It would have been hard to give him any favour, as he was at the head of the list, and had already acted as deputy.

Ganesh Sadáshiv Thákre.—He was a Parbhu, a class not favoured by me. He did not pay me. I did not usually take money from that class, though I might have done so at times after providing for my own people.

Vishnu V. Shárangpáni.—He did not pay, and he got no favour. He is not very sound-witted, and a dangerous man therefore. He was a friend of mine. I used to live with him years ago, when I was studying at Poona.

Mahádev Moreshvar.—He once wrote to Pendse, as I was told, wishing to come to Poona to negotiate. He did not come, however, and as far as I know has not paid. He has received no favour.

M. G. Vágle.—Vágle's was a special case, and he was provided for out of kindness to Chitámbarráo, in order to make room for the latter; it was really a case of supersession, but not with a view of extracting money from Chaubal. It was merely a piece of favouritism. He offered Rs. 500 through Sábájiráo to get a better táluka than Mán. I could not do him the favour, so did not take his money. He is an honest man.

Shálom Bápuji was provided with a mámlat to make room for the late Native agent of Sátára (Dhopeshvarkar), who was to be made a head clerk under Government orders.

D. D. Patankar was simply removed from the Commissioner's office and sent to Khándesh as deputy accountant on the same pay he had previously been drawing, in order to make room for Vishnu Anant Patwardhan. Nátu Pátankar, Piloba Jog, and B. G. Sáthe were intimate. Nátu may have spoken to me about Pátankar, but he never introduced him to me. Pátankar also came to me alone several times while he was without an appointment (on leave), to use my influence with Mr. Crawford. The reason of Mr. Crawford's displeasure with him was that he had opened a private registered letter addressed to Mr. Crawford. He never came to me in company with Nátu. I am not aware of his having paid any money to Nátu. Nátu was my schoolmaster, and every one knows it. I never received any money from Pátankar either directly or through Nátu. I did nothing on Pátankar's behalf, except that I recommended him to Khándesh, because I thought that place would soon be permanently available, as Wádekar, who had paid me Rs. 2,000, would be provided for. Thus, Patwardhan could be kept permanently in the Commissioner's office. There was no other way of getting out Pátankar. Mr. Crawford showed me the letter Pátankar had opened. It was marked private.

Vishnu Bápuji Wádekar's case was arranged through Sábáji Tirodkar, who paid me Rs. 2,000 to get Wádekar provided with a head accountant's place. He paid Rs. 1,000 before and Rs. 1,000 after the appointment. Wádekar was appointed to an acting vacancy, and no one in the Commissioner's office knew that such an appointment should

carry grade promotion. In fact, the case was treated as an acting vacancy in the Mámlatdárs' list would have been. The effect of the objection raised and the ultimate ruling of the Accountant General was not to turn out Wádekar, but to give intermediate grade promotion. Wádekar was turned out on the reversion of Náráyan Krishna, Huzur deputy collector of Sátára, for whom he was acting.

Police.

Trivengdam, chief constable, is a class-fellow of mine. About a year ago he sent me a letter of credit for Rs. 1,500 through a Sávkár of Gadag, named, I think, Malappa (*Malshiappa?*).

I took the letter of credit to Jog, the banker, and got the money on my own receipt. I can't remember how the money was disposed of, but Trivengdam had promised to pay Mr. Crawford the money, and so it must have been paid to Mr. Crawford or on his account. Trivengdam had previously been to Poona, and put up with me on two or three occasions.

He had also been to Mr. Crawford with me once. The money he afterwards paid was for promotion. He used to write to me occasionally, after he had sent the money, to see Mr. Crawford about his chances of getting it. He also wrote to Pitámbar Joshi to remind me.

I did not hear him mention the subject of promotion and payment to Mr. Crawford.

Trivengdam had a brother at Gajendragad, who is acquainted with Mr. Crawford over the Gajendragad business, which was managed in Spiers' time. The brother is agent of the Gajendragad Jághirdárs.

Trivengdam had previously, as he several times told me, paid one Pandit from Sátára (not a Government servant, but an agent in the Southern Division in Ashtekar's time), and Bhimráo, kárkun (who was in the Inspector-General of Police's office), Rs. 700 or Rs. 800 for promotion, which they swallowed. They were to have made *khatpat* for Trivengdam with the Commissioner. There was another man, Lingangauda, a kárkun in the Dhárwár district, who was mixed up in the business. This Lingangauda was formerly a kárkun at Gadag. Bhimáji Appaji gave him a note promising to repay the money he had taken for Trivengdam. This is known to Prabhunna, a clerk in the police office, who asked me for a place in the Commissioner's office.

Sarotamsing, chief constable in the Poona District, offered me Rs. 2,500 about the same time (middle of June) for promotion to inspector, but as there were rumours that inquiries were on foot against Mr. Crawford, and he being in the Poona Police, we thought he must have come to entrap us with his offer for promotion. Sarotamsing went with me to Mr. Crawford, who saw him alone, and after seeing his papers and finding him low on the list, Mr. Crawford's suspicions were confirmed, and he told me that he would sound the Inspector-General of Police to see if he had put Sarotamsing up to offer him a bribe. He afterwards told me he had done so, but that no reply had been given him by Mr. Ommanney. A few days after this visit, Sarotamsing came and told me that B. G. Sáthe had asked the district magistrate to place at his disposal the services of Police Inspector Smith, as my house was to be searched. Next day he told me the idea was given up. Sarotamsing never paid any money, nor was there any intention of taking any from him. From the very first he was suspected of being a decoy.

Rámchandra Dáji Kále, chief constable in the Bijápur District, got his appointment through Dádásáheb Ashtekar. I had nothing whatever to do with it from first to last. I know Rámchandra Dáji Kále, and have heard that he and a head constable Gururáo (two years ago at Gadag in the Dhárwár District) paid Rs. 700 or 800 each about 1883 or 1884.

Bhimáji Appáji is no friend of mine, and has not written any letters at my dictation to Rámchandra Dáji Kále. Bhimáji Appáji himself paid Rs. 800 to Spiers and the same amount to Ashtekar for a chief constable's place, but got a place of Rs. 35 in the Commissioner's office. When he was transferred to the Inspector-General's office he used to try to squeeze money out of chief constables and police officers by writing them letters. He has written in this way to Dyavangauda and Govind Shankar, who has actually paid him Rs. 100. I know this because my sister's son Narsingráo received the money from Govind Shankar and told me about it. The letters purporting to have been written at my dictation by Bhimáji Appáji were from their dates written when Bhimáji Appáji was employed in the Inspector-General's office. How, therefore, could I have had any voice in a matter of police appointments? It is clear Bhimáji must have written letters on his own account. I know nothing whatever about it. Besides,

I was constantly meeting Rámchandra Dáji at Bágalkot, and he could have spoken to me. There was no necessity to write to him about it. He, however, mentioned that he had received a threatening letter from Bhimáji Appáji in connexion with a riot case that occurred at Bágalkot, in which Rámchandra Dáji was found fault with.

Rámchandra Ghanashám, chief constable, Nagar.—I do not know the man and have never seen him, but I remember Sábáji Tirodkar speaking to me about his promotion, as he had been recommended by Mr. Vincent for it. This was some two months before Mr. Crawford's suspension. In the meantime I knew that Dhulikhán had arranged to get Rámchandra promotion through Kázi Abbás. I had nothing more to do with the matter, and never spoke about the man to Mr. Crawford. The subsequent negotiations were entirely in the hands of Dhulikhán and Kázi Abbás.

Gul Mahomed.—I had nothing to do with Gul Mahomed, chief constable in the Sholápur District, except that Mangrulkar, Mámlatdár of Sholápur, wrote to me about promotion for him. I think he came to see me in Bombay on the 1st June last, but he never paid me anything nor was he mentioned by me to Mr. Crawford. I wrote to Mádhekar and Mangrulkar, Mámlatdárs, in reply to their letter about him.

Southern Division.

Except Sheshgirráo, now Mámlatdár of Belgaum, who is a very strict and straight officer, there is not a Mámlatdár in the southern division who has not paid, and almost all of the present chief constables have done so.

G. R. Mokási (at present Mámlatdár of Indi) is father-in-law of Pitámbar Joshi. He paid me Rs. 1,000. He was then acting deputy collector in the Khándesh district. The payment was made for a favourable opinion from Mr. Crawford with reference to a complaint made against Mokási when he was Mámlatdár in the Dhárwár district. The collector had sent the correspondence to Mr. Crawford for Mr. Mokási's explanation. Mokási came to Poona in September or October 1886 in connexion with this, and it was arranged through me then that he should pay Rs. 1,000 in all. He had a personal interview with Mr. Crawford. He afterwards sent me Rs. 500 by letter, and paid Rs. 500 direct to the Commissioner. This was about April or May.

After Mokási had paid Rs. 1,000 for Mr. Crawford's favourable opinion, he offered me personally Rs. 1,000 for getting Pitámbar Joshi an appointment in the Commissioner's office. Pitámbar also asked him to do this for him. In the presence of Pándurang Náráyan, Mámlatdár of Gokák, on leave in Poona, Mokási promised Pitámbar he would do what he wanted, and he offered Pitámbar to place the money with Tátya, who was Huzur deputy collector at Poona. On the strength of this I gave a memorandum to Yádavráo to get Mr. Pendse to draft appointments when Government resolution sanctioning the four appointments in place of two in the Commissioner's office should be passed. Appointments were made as I suggested, and Pitámbar got the place of Rs. 50, the highest of the four. Then Pitámbar went to Mokási to ask for the money, who at first offered Rs. 500 and finally refused to pay anything except as a loan on a bond to be passed to some Sávkar at Indi where Mokási was Mámlatdár. I did not allow Pitámbar to give the bond, and I managed for four or five months to fulfil obligations. I had in mind the expectation of receipt of the money. About the beginning of June I was hard-pressed on all sides, and Vaishampáyan, who had an old bond of mine, was urgent. I paid Vaishampáyan Rs. 1,500 cash, and got back the bonds and signed a kháta with Pitámbar for Rs. 1,000.

Rághavendraráo Shámráo (at present Mámlatdár of Honávar) paid Rs. 4,000 to Mr. Crawford through me; some of it was paid in person, when the Commissioner visited the Hungund Táluka, after his appointment of Mámlatdár. I was present. He was appointed in January 1885 about, and paid shortly afterwards Rs. 2,000 for an acting and Rs. 2,000 for a permanent appointment. He was Awal-kárkun of Bágalkot. He is a relative of mine.

Shrinivás Krishna Budikotkar (at present Mámlatdár of Vengurla) paid Rs. 2,000 altogether through me early in 1886 in order to avoid a transfer to Dárwár. He is notorious in taking bribes himself. In 1883 or 1884 he had paid Rs. 800 through Ashtekar to be transferred to Sampgaon in the Belgaum district. There are certain tálukás in each district which are known to be good fields for making money, and Sampgaon is one. Athni, Chikodi, Gokák, and Saundatti are others in that district. After Mr. Propert's appointment to the southern division he was transferred again to Kárwár, and thence to Ratnágiri, and paid another Rs. 1,000 to Barjorji Shápurji Desái

on Mr. Crawford's account in order to get his transfer cancelled. Barjorji swallowed all the money himself, and Mr. Crawford knew nothing about the payment.

Ráchappa Yerappa Kalburgi (at present Mámlatdár of Parasgad), a corrupt Mámlatdár, was at Indi and paid Mr. Crawford Rs. 500 through me. Mr. Crawford saw the Mámlatdár at Indi station, who requested him for a transfer to Gadag, for which Mr. Crawford demanded Rs. 500, and directed him to pay the amount to me. This was in 1885. I received the money shortly afterwards, and the man was transferred to Gadag. He got into trouble twice, and got out of it by paying Rs. 2,000, which were demanded from him personally by Mr. Crawford. I received the money in Bombay through a Mahomedan of Nargund, who always accompanies the Mámlatdár and is his confidant. This man has also paid Rs. 500 to Ashtekar through Rághavendra Kattigeri. This was before my time. He was then at Kárwár and paid for his transfer above Ghâts, which he got.

Krishnáji Dattátráya (at present Mámlatdár of Kumta), formerly Mámlatdár of Bágalkot, a straightforward Mámlatdár, paid Rs. 500 to Mr. Crawford direct in 1885 or 1886 to avoid the disgrace of having his first-class magisterial powers taken away from him on a report by Mr. Ebden to the Commissioner about the time that Sombingaya, chief constable, was on his trial for murder.

Rámchandra Hanmant Beur (at present Mámlatdár of Kalghatgi), a corrupt Mámlatdár himself, paid Rs. 2,000 in two instalments of Rs. 1,000 each. He paid Rs. 1,000 through me when he was Mámlatdár of Navalgund in 1884, to avoid the disgrace of having his powers withdrawn on an unfavourable report made by Mr. Middleton. He was transferred to Hángal instead, and kept under supervision for a year or six months. Mr. Moore, acting for Mr. Crawford, transferred him from Hángal to Hungund. At Hungund his corruption brought on him the ill-will of the chief constable, Tammangauda. As Tammangauda was a friend of mine, Beur threatened to do me harm, my estate being in the Hungund Táluka, so I requested Mr. Crawford to transfer him to Muddebihál.

In 1885 he paid Rs. 1,000 to Ashtekar, in order to return to Hungund from Muddebihál. When this was not done he wished for the transfer of Tammangauda to Kárwár, which was not carried out. He fell out with Tammangauda when Mámlatdár of Hungund, owing to his corruption.

Bhimáji Gururáo (at present Mámlatdár of Yellapur) paid Spiers Rs. 3,000 in 1881 according to what he told me, for a mámlat, and afterwards became a sub-agent for Mr. Crawford.

Govind V. Deshpánde (at present Mámlatdár of Ankola) paid through a Pársi in Bombay (whose name I don't know). The sum was, I hear, Rs. 2,000. Krishnáji Patwardhan, in Customs Department, arranged the matter for Deshpánde. The Pársi was not Barjorji Shápurji Desái.

Bhimáji Venkatesh was Awal-kárkun of Navalgund, and by payment of Rs. 2,000 to Spiers he got appointed Mahálkari of Hukeri. It was this appointment that caused Mr. Jervoise to raise the question of the Commissioner's appointing Mahálkaris, and this was the last Mahálkari appointed by Mr. Crawford. After he went to Hukeri the charge of fabricating evidence at Navalgund was got up and proved on trial before Mr. Watt. He got off on appeal to the High Court. Though Mr. Crawford was offered Rs. 3,000 by Ashtekar to get him reinstated, Mr. Crawford declared that he never would support such a man. I was present when Mr. Crawford wrote his report to Government on the subject, and Bhimáji Venkatesh was sent to Kánara after receipt of the Government resolution about punishment.

Rámchandra Annáji Torve paid me Rs. 2,000 for his uncle Binduráo Gururáo, who was Chitnis in the Bijapur District. The money was paid in 1884 in order to get the Commissioner to allow him to return to his duties; he was sick and reported unfit at the time.

Pándurang Náráyan Deshpánde.—Pándurang Náráyan Deshpánde, Mámlatdar in the Southern Division, is a friend of mine.

Mr. Crawford once told me that he made a memorial to Government against his (the Commissioner's) arrangements, and complaining that he had been superseded. Mr. Crawford asked me if I knew the man, and indicated that he wished the memorial withdrawn. Some relation of Deshpánde had come to Poona and I told him to get Deshpánde to withdraw the memorial. He asked me in what terms of apology it should be withdrawn, and I dictated the draft of the apology myself, and Rághavendra Kattegiri of Bijápur wrote it out, or I may have drafted it myself, and Rághavendra

may have copied it out. Anyhow the draft apology was sent by the relation in question to Deshpánde. The memorial was withdrawn, and Deshpánde was made a Mámlatdár. Rámchandra Bhagvant was the Awal-kárkun who took the draft apology. He was present when the draft was prepared at my house. I think, at any rate, he was in Poona. Báláji Venkatesh, Mámlatdár of Belgaum, was also in Poona at this time, and I got to know Rámchandra Bhagvant through him.

Police.

Bindu Chipulkatir, now chief constable in Dhárwár, was formerly kárkun in the Mámlatdar's office, Ron, and paid Rs. 1,000 through Ashtekar to be made chief constable. He first came to me and I refused to interfere on his behalf. This was in 1883.

Dyamangauda, chief constable, borrowed Rs. 600 from me in Poona to make up the sum he had to pay Ashtekar for his appointment. It was in 1883. Pitámbar Krishna Joshi knows this.

Rájeráo Piluráo paid Rs. 500 through Bhimáji Gururáo.

Vásudev Shankar, chief constable, received Rs. 600 of his payments through Ashtekar back from Paránjpe, Sávkár of Poona. He was pressing Mr. Crawford for the money, and Mr. Crawford asked me to arrange it. This was when I received a hundi for Rs. 500 from Mádhekar, Mámlatdár of Pandharpur, and I gave the hundi to Paránjpe to be cashed.

Rámrao Rango, a relation of mine, belongs to the Hoilgulkar family, and paid a large sum for a police inspectorship. He told me had paid Spiers. The money never reached Mr. Crawford, who in the course of conversation with me expressed surprise when he heard that *a large* sum had been paid.

Kelkar, the present Oriental translator, paid Rs. 5,000 to Mr. Crawford through Mahádev Vásudev Barve for his appointment of Assistant Commissioner on the death of N. S. Sáthe. I was trying to get the place for Shrinivás Báláji Chitgupi, and spoke to him about it. I was not then so very thick with Mr. Crawford. I only offered Rs. 3,000 for the appointment on my own responsibility. Suddenly Mr. Crawford told me he had decided to give the place to Kelkar, and when I pressed him he said that Kelkar had paid nearly double of what I had offered, through Barve. Kelkar and Barve, who were in the Kolhápur State together, are great friends. Barve paid the money, which he borrowed from Bháu Mansárám of Poona.

Bhángaonkar paid Mr. Crawford direct Rs. 3,000 for the appointment of Native Assistant, which was to be created in the Southern Division. He had already paid the money and was to get the appointment, but when Sáthe died he tried to get that appointment instead. When Bháugaonkar paid he was Chitnis to the Commissioner, S. D. Mr. Crawford told me of the payment in his case. Bhángaonkar was very thick with Mr. Crawford, having been his head clerk when he was on some special duty about the year 1881 or 1882.

Soman first paid Rs. 500 for a mámlat direct to Mr. Crawford. This was before I became acquainted with Mr. Crawford. He afterwards paid another Rs. 500 in Bijápur when he was Mámlatdár there for articles purchased by the Commissioner. This sum he never got back. He borrowed money from a Sávkár in Bijápur named Gokuldás.

In his appointment of Native Assistant he paid Rs. 2,000 to Mr. Crawford. I was trying to get a place for a graduate who has not paid anything as yet and who was a great friend of mine and a Mámlatdár. The Commissioner then told me that Soman had paid Rs. 2,000 and knew the office work well, so he had decided to appoint him. At this time I had great influence with Mr. Crawford, but did not press the matter much for fear of making Soman my enemy. Besides Bhángaonkar and Vithoba Khandáppa Gulve, of Panvel, who is very intimate with Mr. Crawford, no one knows anything about the payments of Bhángaonkar and Soman; in fact Gulve advanced the money.

When Chitámbarráo came to me after I was released on bail I told him that one of the first people I should mention if I made a statement would be Soman. This was carried to Soman, and he sent me a message to avoid giving people's names, and not to get men into trouble. I believed that Soman had frightened my maternal uncle

Deshpánde, of Bilgi, away, who had come here with the Desái of Son in Bágalkot to stand security for me. Their names were given in to the district magistrate, but they being frightened, sent in certificates describing their pecuniary position as less substantial than it really was.

Shirhatti Brothers.—Hanmantráo Shirhatti (deputy collector) arranged through Spiers. Gopálráo Shirhatti (Mámlatdár) arranged through Ashtekar.

Sábáji C. Chitnis (deputy collector). — I hear that he paid Rs. 5,000 for his appointment.

V. R. Purandhare (deputy collector).—*Old Purandhare*, I hear, paid Mr. Crawford Rs. 5,000 to save his son in regard to the matter of the *Ananda khár* at Janjira. This was about two years ago. Mr. Crawford frightened Mr. Purandhare by threatening to report the son to Government for taking a share in the land. Barjorji Shápurji was my informant, and any charges made by Barjorji against the Purandhares must be received with caution.

Last year or so a forest in the Násik district was restored to the owner, and Spiers got Rs. 14,000 for Mr. Crawford in this business.*

Spiers and B. G. Sáthe recently took money for Crawford in the Sholápur Deshmukhi case. It was only a week before his suspension that Mr. Crawford made up his quarrel with Sáthe and the order in the case was passed. The papers were sent by Sáthe to Spiers' bungalow for perusal and orders. Spiers took a bond from the Deshmukhs and it was redeemed on passing of the order a day or two before Mr. Crawford's suspension, and the money was then paid to Spiers.

Rághavendra Kattigeri, of Bijápur, was formerly on good terms with Mr. Crawford, was Ashtekar's agent, but he lost favour with the Commissioner because he was seen travelling with a prostitute, which displeased Mr. Crawford.

Shridhar Vithal Dáte and I have never worked together in any case. I have sent petitions to be drafted by him when I thought he could do so better than I could. Mr. Crawford had nothing to do with the case of the inám village in Chikodi Táluka, which yielded Shridhar Vithal Rs. 80,000. Shridhar did pay Rs. 4,000 or Rs. 5,000 to Spiers, of which Mr. Crawford saw very little.

After my release on bail, Shridhar used to come frequently to see me. He said he was a relation of Hari Náráyan Kále, and through him would remove all my difficulties. He took me one day at 11 or 12 o'clock to Hari Náráyan's house. The general advice Hari gave me was to see Mr. Crawford and shape my conduct according to Mr. Crawford's intentions. If Mr. Crawford would not stand by me, I should do the best I could for myself. My relations did not want me to go against Government, as a case was pending about my jághir village, but other friends did not wish me to desert Mr. Crawford. After seeing Hari Náráyan I began to go to see Mr. Crawford. Before I made my statement to the district magistrate I had only been to him once; after that I went frequently, as Mr. Crawford was satisfied that I did not mean to betray him. Shridhar Vithal did advise me to run away, and after so doing he was not allowed to visit Mr. Crawford. Before I made my statement he used to visit there constantly. It was a day or two after I had made that statement that Shridhar advised me to run away. Shridhar is very thick with Spiers.

The *Mudliars* in Poona were not in communication with me in any affair. I once handed over to Kupuswámi some money at Mr. Crawford's bungalow about the Diváli of 1887. It was Rs. 1,800. I can't recollect where I had got the money from. It may have been paid on account of Sávant or Narsinghája.

APPENDIX.

Cases in which B. G. Sathe was concerned.

In the *Tellavi* Pátil case, Tásgaon Táluka, one side came to see me through Atmárámpant and offered me Rs. 1,000. In the meantime Yádavráo Sáthe came and told me not to take up that side of the case, as B. G. Sáthe was already interested on the opposite side; so I gave it up and went to my village. In my absence B. G. Sáthe took Rs. 1,000 from the opposite side. Atmárámpant told me (the kárkun Vág of Sátára also told me) that he had paid Rs. 500 to Dáji Hari Ránavikar to be given to Sáthe, promising another Rs. 500. Sáthe got the case disposed of hurriedly as he said

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* *Query*—On borders of Násik and Thána.

to Yádavráo that Mr. Acworth, the Collector of Sátára, was interested in the case. This was about the Diváli of 1887.

Dáji Hari Ránavikar paid nothing for his appointment in the Commissioner's office. B. G. Sáthe recommended him to me for the appointment, and I spoke to the Commissioner about him.

In the *Bodvad Kulkarni* case B. G. Sáthe told me he was interested, and he and I went to the Commissioner's bungalow to get him to sign the draft he had prepared in the case. I spoke to the Commissioner about it and he eventually signed the draft.

In the *Singve* Pátilki case, Táluka Kopargaon, I heard that Sáthe had taken Rs. 500 from one side and drafted a notice to the opposite side to show cause why the applicant's claim should not be recognised. I mentioned the case to Mr. Crawford as one in which Sáthe had taken money, and he refused to sign the notice. It was one of the cases disposed of at the latter end of June. The applicant's claim was registered. The pátil of Mathulthan was negotiating with the applicant on behalf of Sáthe.

In the *Ralvas* watan case, Táluka Bársi, I heard that Sáthe had taken money and wrote to the Mámlatdar of Bársi (Mádhekar) about it. He said that the applicant had gone to Sáthe and confirmed. I mentioned the case to Mr. Crawford. I don't recollect what became of the case.

There was another watan case in the Pátan Táluka in which B. G. Sáthe took Rs. 1,800 through his right-hand man Balvantráo Maháshabde, and a report was drafted by Sáthe in opposition to the views of Mr. Bápat, who had previously drafted a notice in favour of the other side. Sáthe's draft was not signed by the Commissioner.

I admit that this statement is to the best of my knowledge and belief correct, and it contains a full and true account of my dealings with Mr. Crawford from beginning to the end. The corrections made in this statement are in my handwriting. And I have made the statement voluntarily and of my own free will. Dated this day the 9th of February 1889.

HANMANTRAO RAGHAVENDRA,
Jághirdár of Balkundi.

N.B.—By a full and true account I refer to all the matters about which I have been questioned.

H. R.

Signed in my presence,
S. M. SALAMAN, Surgeon-Major,
Superintendent, Yerrowda Jail.

Enclosure No. 3 to No. 6.

No. A (202) of 1888.

From the CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY (Revenue Department) to the SECRETARY TO THE GOVERNMENT OF INDIA (Home Department).

SIR, Mahábaleshvar, 16th November 1888.

WITH reference to the previous correspondence which has passed between the Government of India and this Government on the subject of the appointment of a Commission to inquire under Act XXXVII. of 1850 into the charges of misconduct preferred against Mr. A. T. Crawford, C.S., and has resulted in the appointment of the Commission consisting of the Honourable Mr. Justice Wilson, as President, and the Honourable Mr. Quinton and Mr. Crosthwaite, as members, which is now sitting at Poona for the investigation of the charges already brought forward against Mr. Crawford, I am directed to state, for the information of the Government of India, the following facts.

2. Since the original articles of charge were prepared, exhibited to the Commissioners under Section 11 of the Act, and a copy of them furnished to Mr. Crawford,

some further allegations of corruption on Mr. Crawford's part have been brought to light and inquired into departmentally by the officers of Government. The most prominent and important of these cases is what may be described as the Akalkot case. Akalkot is a Native State in the Sholápur Collectorate, with an area of about 500 square miles, a population of some 58,000 souls, and a revenue of about Rs. 2,85,000. The Chief, a Marátha, is young, and indeed till quite recently a minor.

3. The facts of the Akalkot case, as disclosed by the notes of inquiry instituted by the Secretary to Government, Political Department, are as follows: It is found that in November 1886, Mr. Vithal Tikáji, Kárbhári of Akalkot, sought and obtained an introduction in Poona to Hanmantráo Rághavendra (recently convicted by the District Magistrate of Poona), as being an agent of Mr. Crawford. In consequence of this visit Hanmantráo visited Akalkot at the end of November 1886 and made arrangements with the Rája in person to meet Mr. Crawford at Sholápur. On December 16th, 1886, Mr. Crawford visited the Rája at Akalkot, and asked him to give him Rs. 20,000 as a consideration for helping to get him invested with the powers of the Chiefship. The same night at 11 o'clock Mr. Crawford arranged with the Kárbhári, Mr. Vithal Tikáji, to obtain payment, suggesting that the money should be obtained from Baroda. The next day at another interview Rs. 10,000 were agreed upon, and Mr. Vithal Tikáji, an officer lent by the British Government to the Akalkot State, was promised promotion in the grade of Mámlatdárs, which he received early next year, thereby superseding several seniors, although as he was at the time in foreign service his promotion without the sanction of Government was opposed to standing orders. On or about January 9th, 1887, Hanmantráo, Mr. Vithal Tikáji and Rávji Dándekar, a Baroda agent of the Ráni's mother, visited Mr. Crawford, and the last two paid him Rs. 4,000. On January 24th, 1888, the political agent (the collector of Sholápur) recommended that the Rája should be invested with certain powers. Hanmantráo paid a visit to Akalkot, and in consequence of it Rávji Dándekar was summoned from Baroda to Akalkot. On February 8th, 1888, the Rája passed to Dándekar an acknowledgment for Rs. 10,608 ans. 2, this being for the Rs, 4,000 previously advanced together with interest thereon and the Rs. 6,000 now required, and certain travelling expenses. On the same day the Ráni delivered her personal jewels to Dándekar, as a security for the advance, in pawn, and received Dándekar's receipt. On February 12th some of these jewels were pawned by Dándekar to the Poona firm of Balwant R. Nathu, and Rs. 3,000 were received that day and Rs. 3,000 more on the following day. On February 13th, 1888, Mr. Vithal Tikáji and Rangnáth Pándurang, the Khásgi Kárbhári of Akalkot, with Hanmantráo, proceeded to Mr. Crawford's house in Kirkee and gave him Rs. 3,000 or thereabouts in notes, and at his request subsequently gave the balance of the Rs. 6,000 in cash to Hanmantráo on his account. The jewels left with Nathu were redeemed by Dándekar on March 25th, 1888, and have just been recovered from Dándekar by repayment of the loan with interest on behalf of the State. On March 9th, 1888, Government passed orders in a resolution marked confidential investing the Rája with certain powers. On March 15th, 1888, Hanmantráo brought a copy of this confidential resolution, printed at the Government press, to Akalkot, and showed it to the Rája, who thereupon gave him a present of Rs. 100.

4. The Honourable the Advocate General is of opinion that this case is a strong one, and that it ought to be brought before the Commission inquiring into the charges against Mr. Crawford, and he records the following opinion:—"There comes the "question, can this be done; and, if so, in what manner? The Act (XXXVII. of "1850) is very detailed in its provisions as to procedure, and does not, I think, allow "additional articles of charges to be laid before the Commission during the course of the "inquiry. But it does allow Government to order additional articles of charge to be "framed after the report of the Commissioners has been received, and to have these "additional articles of charge then inquired into. This is a circuitous and tedious mode "of procedure and would prevent the additional charge having any weight in the original "report. The only other course which occurs to me is for the Government to appoint a "new Commission for the inquiry into the additional articles of charge, nominating the "same Commissioners as before, and if the Commissioners agree to serve on the fresh "Commission they may make the two reports simultaneously."

5. In these circumstances the course which this Government would propose to adopt is to issue a new and distinct commission to the present Commissioners, authorising and empowering them to make inquiry into the Akalkot case, and leaving them at liberty to execute this and the existing commission concurrently, or consecutively as

they may think fit, and I am directed to inquire whether any objection is entertained by the Government of India to the adoption of this measure, and to request the favour of a reply by telegraph. The Governor in Council, I am to observe, regards it as a matter of considerable importance that this fresh charge should be proceeded with, not only because the case is in itself a very strong one, but also because it has led to much public scandal, and because—although Government are aware of other cases in which bribes are alleged and are believed by them to have been given by Native States to Mr. Crawford—the Bhor case is at present the only one before the Commission in which Mr. Crawford is charged with having taken a bribe from a native Chief. The Akalkot case, I am to add, was not ready for inclusion in the original articles of charge, because it was not ascertained until the commencement of this month whence the funds for the payment of the bribe to Mr. Crawford were obtained. This has now been discovered and full documentary evidence is forthcoming.

I have the honour, &c.,
JOHN NUGENT,
Chief Secretary to Government.

To the Secretary to the Government of India,
Home Department.

TELEGRAM from the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department, to the CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY, dated 23rd November 1888.

No. 3013. Your confidential and urgent letter No. 202 of November 16th about Akalkot case. Multiplication of charges undesirable in opinion Government India, but if Advocate-General considers it desirable to formulate this charge, and if Commissioners' consent to hear it be procured, Government of India has no objection to Bombay Government exercising its discretion to proceed with the charge.

REVENUE DEPARTMENT.

No. 8057 of 1888.

Bombay Castle, December 3, 1888.

Whereas certain imputations of misbehaviour have been made against Mr. Arthur Travers Crawford, C.M.G., of the Bombay Civil Service: and whereas the Governor in Council is of opinion that there are good grounds for making a formal and public inquiry into the truth of such imputations, which by his order have been drawn into the distinct articles of charge, of which a copy is herewith annexed.

1. The Governor in Council is pleased by these presents to appoint you, the said
Honourable Arthur Wilson,
Honourable James Wallace Quinton,
Robert Joseph Crosthwaite, Esq.,
to be Commissioners under the provisions of Act XXXVII. of 1850 for the purpose of holding an inquiry as aforesaid into the truth of the said charges, either concurrently with the inquiry being held by you under the commission bearing date the 16th October 1888, or independently thereof, as you may think fit.

2. The Governor in Council has been further pleased to nominate the Honourable the Advocate-General, assisted by James Jardine, Esq., barrister-at-law, and Frederick Arthur Little, Esq., Solicitor to Government, to appear on behalf of Government.

J. NUGENT,
Chief Secretary to Government.

To
The Honourable Arthur Wilson,
Barrister-at-Law, Judge of the High Court
of Judicature at Calcutta.
The Honourable James Wallace Quinton, C.S.I., B.C.S.,
Member of the Board of Revenue, North-West Provinces.
Robert Joseph Crosthwaite, Esq., B.C.S.,
Barrister-at-Law, Judicial Commissioner,
Central Provinces.

That you personally on or about the 9th day of January 1887 corruptly received the sum of Rs. 4,000 from Rávji *alias* Ganesh Náráyan Dándekar on behalf of the Rája of Akalkot, and on or about the 13th day of February 1888 corruptly received the further sum of Rs. 6,000 from the said Rája of Akalkot, part thereof having been paid to you personally by Raghunáth Pándurang, and part thereof to your agent Hanmantráo Rághavendra on your behalf, as inducements to show favour to the said Rája of Akalkot and his Kárbhári Vithal Tikáji Uplap in your official capacity of Commissioner, Central Division.

Witnesses and Documents relied on.

Witnesses—

The Rája of Akalkot.
Vithal Tikáji Uplap.
Chitámbar Keshav Gádgil.
Shrinivás Krishna.
Náráyan Dádji Limaye.
Rámchandra Govind Mangrulkar.
Mahádev Rámchandra Soman.
Rávji (*alias* Ganesh) Náráyan Dándekar.
Keshav Ganesh (*alias* Rávji) Dándekar.
Raghunáth Pándurang.
Krishnáji Ganesh Tilak.
Balvant Rámchandra Nátu.
Vináyak Bálkrishna (clerk to Balvant R. Nátu).
Pitámbar Krishna Joshi.

Documents—

1886, December: Register of Sholápur Travellers' Bungalow.
„ 19th December: Extract from "Kalpataru," Sholápur newspaper.
1887, 10th February: "Government Gazette," page 133, Notification of 31st January 1887 promoting Uplap to 1st Grade.
1888, 8th February: Receipt for loan of Rs. 10,608–2–0 given by the Rája to Ganesh Náráyan Dándekar.
„ 8th February: Letter, Rávji Náráyan Dándekar to the Ráni of Akalkot.
List of ornaments and jewellery.
Entries in books of the Chief of Akalkot.
1887, 12th February: List of ornaments pledged by Rávji Náráyan Dándekar with Balvant R. Nátu.
„ 25th March: Letter, Balvant R. Nátu to R. S. Dándekar.
Entries in books of Balvant R. Nátu.
Letter, Rávji N. Dándekar to Bála Sáheb Nátu.
Receipt for seven ornaments returned.
Mr. Crawford's account with Messrs. William Watson and Co., of Bombay.

Generally—The documents and proceedings in the inquiry recently ordered by the Government of Bombay into accusations against Mr. Arthur Travers Crawford, C.S., and also decrees lately obtained against Mr. A. T. Crawford in the High Court of Bombay and the proceedings in such suits.

LETTER from the Honourable ARTHUR WILSON, B.L. and C.; to the CHIEF SECRETARY TO THE GOVERNMENT of BOMBAY.

SIR, Poona, December 5, 1888.

I HAVE the honour to acknowledge the receipt of your letter No. 8,056 of the 3rd instant, in which you say that you are directed to forward an order appointing me to be a Commissioner under the provisions of Act XXXVII. of 1850 to hold an inquiry into the truth of certain further charges preferred against Mr. A. T. Crawford. You state that the arrangements made for the now pending inquiry will also be in force for the proposed new or further inquiry. And you add that the new or further inquiry will be opened at such time as may seem to me most convenient, having regard to the inquiry now proceeding under the Commission dated the 16th October 1888. The order enclosed in your letter recites that certain imputations of misbehaviour have been made against Mr. Crawford, and that his Excellency in Council is of opinior that there are good grounds for a formal and public inquiry into the truth of those

imputations, which have been thrown into the articles of charge annexed to the order. It proceeds to appoint me with Mr. Quinton and Mr. Crosthwaite to be Commissioners under Act XXXVII. of 1850, for the purpose of holding an inquiry into the truth of those charges, either concurrently with the inquiry being held by us under the Commission bearing date the 16th October 1888, or independently thereof as we may think fit.

I could not under any circumstances have consented to serve upon a new commission to conduct an inquiry into new charges against Mr. Craford, without having first had an opportunity of communicating both with the Government of India and with the Chief Justice of my own Court upon the subject, and particularly with reference to the propriety of prolonging my absence from my ordinary duties.

Under the present circumstances I do not think it necessary to wait for such communication. In order to govern my own conduct in this matter I am constrained to form my own opinion upon the new commission which it is proposed to issue. In my judgment it is open to grave question whether it is not contrary to the letter of the law, and it seems to me certainly contrary to the spirit of the law, and the intentions of the Legislature; and as this is my view it is impossible for me to sit upon that commission.

There are other reasons of a very grave character which lead me to the same conclusion, but as to which I think it better to say nothing further at present.

I regret to say that on the grounds I have mentioned I cannot have the honour of accepting the nomination of his Excellency in Council as a member of the Commission referred to in your letter and in the order enclosed in that letter.

I have, &c.,

To the Chief Secretary to the Government of Bombay. A. WILSON.

English Version of Raja's Confession.

Statement XIV.

The Rája gives me a written statement, which I record. The purport of it is as follows:—

Two years ago the Kárbhári Vithal, on his return from Poona, informed me that the Commissioner's agent said the Commissioner desired to see me. Accordingly Hanmantráo came to Akalkot, and the Kárbhári told me; so I met Hanmantráo in the Khás Garden. Hanmantráo told me to make a petition to ask for Khásgi powers. I asked him if he could arrange about a salute, and certain villages, Pangaon and others. He said everything could be done for money. I said I would meet the Commissioner. About 20 days later on the Commissioner came to Sholápur, and I met him there. He told me to stop, and about 6 or 7 p.m. he called on me and asked where the Kárbhári was. I asked him who he was, as he came without notice. He said he was the Commissioner. We then talked, and he asked me why I did not petition for the Khásgi. I said the collector will see to it when I am fit. He said, "I will procure the "Khásgi; give me Rs. 20,000." I said I had nothing to give. He said I should never get the Khásgi, or it would be deferred for years. He then suggested my mother-in-law might give the money. I promised to let him know the next day. The next day I sent word by the Kárbhári I would arrange for Rs. 10,000. ("The "Kárbhári did not advise this." The Rája wishes this added.) The same day I called with Mr. Silcock at the travellers' bungalow. The Commissioner told Mr. Silcock to make a report about my powers. The Kárbhári brought a message from Mr. Crawford that afternoon that I was to arrange as quickly as possible. I returned to Akalkot. Rávji Dándekar happened to be there. I asked him to advance Rs. 10,000, but he would only agree to Rs. 4,000. Rávji went to Baroda and brought the money to Poona. ("I gave no receipt and no security except my personal word"—this is added.) The report about my joint powers went in to the Commissioner after some time. Then in 1888 Hanmantráo visited Akalkot and threatened that if the money was not paid Mr. Crawford would not favourably report. So I sent for Rávji. This was when I passed this loan bond dated February 8th, 1888, which I hand in. It is marked Exhibit A. I also gave as security the Ráni's jewels, and Dándekar gave a receipt, Exhibit B, and a list, Exhibit C, attached of them, which I also put in. Then

Dándekar went to Poona. The bond included the former Rs. 4,000 with the new Rs. 6,000 plus interest. The Khásgi Kárbhári had gone ahead to Poona, and Vithal Tikáji followed Dándekar. The money was given. Hanmantráo then returned to Akalkot and brought the resolution giving the joint powers, which he showed and took away. I gave him Rs. 100 present out of my pocket-money. About five weeks ago I sent Keshavráo to Baroda to fetch the loan bond back. I got it back to prevent its being produced in the Crawford inquiry. I have written down roughly the above in a statement I give in, which the Kárbhári wrote down at my dictation, except the remark at the end, which I have just written.

(Signed) W. Lee-Warner.

2nd November 1888.

Translation of the written statement of Sháháji Ráje, Chief of Akalkot, dated 2nd November 1888.

Two years ago the Kárbhári, who had gone to Poona for some business, on his return informed me that the Commissioner's agent said the Commissioner desired to see him. I said I would see him. A month or a fortnight after Hanmantráo, agent, came to Akalkot. The Kárbhári said he had come and wanted to see me, so I met him in Khásbág—Kárbhári was present there. Hanmantráo told me to ask for Khasgi powers, and said the Sáhib surely intended to confer the powers upon me. I asked him if an arrangement could be made about a salute, and whether he would try to get restored to the State the villages of Pangaon, &c., which had been resumed. He answered in the affirmative, and said everything could be arranged for money. I said I would meet the Commissioner. About 20 days later on the Commissioner came to Sholápur. I also went there, as the collector desired me to do so. I was told to stay that day. The Commissioner called on me at my residence about 6 or 7 p.m. and asked where the Kárbhári was. I said he had gone out, and asked him who he was. He answered that he was the Commissioner of the Central Division. We then talked. He asked me how far I had studied, and why I did not petition for the Khásgi powers. I said the collector would arrange about it when he thinks I am fit. He said, "I will "procure the Khásgi powers; give me Rs. 20,000." I said I had nothing to give, and that the English Government maintained me. He said that if I did not pay he would so arrange that I should never get the Khásgi powers, or at least they would be deferred for five or ten years. I again urged that I had nothing to pay. He suggested I should get the money from my mother-in-law, and said I should suffer if I did not pay. I promised to let him know the next day. The next day I sent word with the Kárbhári that Rs. 20,000 were not procurable, but that I would arrange for Rs. 10,000. Next morning I met the Kárbhári. I asked him what should be done. He replied that I should think for myself, and that he was unable to say anything. At 11 o'clock I called on the Commissioner. Mr. Silcock was present at the interview. After making some inquiries about my studies, the Commissioner told Mr. Silcock to make a report about my powers. The Kárbhári brought a message from the Commissioner in the afternoon that I was to arrange about the money as quickly as possible. We then returned to Akalkot. Rávji Dándekar happened to be there. I asked him to arrange for Rs 10,000, but he would agree only to Rs. 4,000. Afterwards Rávji went to Baroda and brought the money direct to Poona. Hanmantráo visited Akalkot immediately after the collector's report about my joint powers reached the Commissioner, and demanded the remaining Rs. 6,000, and also threatened that if the money was not paid Mr. Crawford would not give a favourable opinion in sending the papers on. So I sent for Rávji Dándekar again. On his arrival I executed a promissory note in his favour in my own hand for Rs. 4,000 that I had received from him already, and Rs. 6,000 which he was to advance then. I agreed to pay interest. I also gave as security the Ráni's private jewels. Then Dándekar went to Poona to arrange about the money. The Khásgi Kárbhári had gone ahead. The Kárbhári followed Dándekar, and the money was given. A short while afterwards Hanmantráo came to Akalkot, bringing with him the resolution giving the joint powers. I gave him Rs. 100 present out of my pocket-money. About four or five weeks ago I sent Keshavráo to Baroda to fetch the bond back. I got it back to prevent its being produced in the Crawford

inquiry. I now produce the said bond written in my own hand, and Dándekar's letter, and the list of the mortgaged property.

What is stated above is of my own information.

Dated 2nd November 1888.

(Signed) SHAHAJI RAJA.

(True translation.)

Y. M. KELKAR,
Oriental Translator to Government.

4th March 1889.

Note on the Akalkot Case, by Mr. W. Lee-Warner, Secretary to the Government of Bombay.

The authorities for the statements made below are quoted in the margin. The statements are numbered in my notes of proceedings.

I am afraid that the first move, according to our recorded information, was made by Akalkot. Vithal Tikáji, the Kárbhári, went in search of an agent of Mr. Crawford in November 1886. Chitámbar Ráo Keshav introduced him to Hanmantráo. Hanmantráo confirms this. Vithal Tikáji eventually also admits this. The opening appearing to Hanmantráo desirable, he visits Akalkot for the first time about the end of November 1886, and the interview with the Rája in the Khás Garden takes place. Hanmantráo put up with (Statement XII.) Shrinivás Vakil, who, however, is very reticent as to dates, and speaks only of two visits (Statement XVI.). At this first visit in November 1886 the Rája agreed to meet Mr. Crawford, and it had practically been understood that money would be paid. They did not wait long. On December 16th, 1886, Mr. Crawford went to Sholápur and stayed there till the following night. He arrived 4 a.m. on 16th (see Travellers' Bungalow list, marked E.; newspaper *Kalpatrak* dated December 19th, 1886, marked F.). The Rája was sent for by the political agent, and Mr. Crawford sent word he could not meet him that day. But he went to see him at 7 p.m. when the Kárbhári was out, and the Rája did not know who he was (Statement XIV.). The conversation went straight to the money. The ground had been prepared for this beforehand. Mr. Crawford, whom Hanmantráo had doubtless informed of what had occurred, asked for Rs. 20,000, and even suggested the Baroda mother-in-law as the person who could advance it (Statement XIV). Hanmantráo arrived by the slow train at 6 or 7 p.m. the same day, December 16th, and put up with Limayé (Statement XXI., confirmed by Statement XX.). Soon after arrival he asked the Mámlatdár Mangulkar to fetch Vithal Tikáji. Vithal is fetched, and the two (it is said by Vithal Tikáji the three, *i.e.*, Mámlatdár as well) went to the Travellers' Bungalow. Mr. Crawford returns from dinner, and at 11 p.m. the bargain is struck with Vithal Tikáji. The Baroda lady is to be asked (Statement XIII.). The Rája is informed, and next day, December 17th, after the official visit to Mr. Crawford, Vithal Tikáji agrees to get Rs. 10,000, and gets a promise of promotion in the grade of Mámlatdár. Whether Hanmantráo next visits Akalkot to keep the parties up to their promise is a doubtful matter, resting entirely on the story of one man. Soman (Statement IV.) distinctly speaks of such a visit on January 27th, 1887, but Hanmantráo has not alluded to it (Statement XII.), but goes off at once to the next event, the visit of Vithal Tikáji and the old man (? Dándekar) to Poona about a month after, and the visit to Mr. Crawford when Rs. 4,000 were paid. The visit of Hanmantráo to Akalkot in January 1887 is, I think, a myth. The Rája does not speak to this second visit of Hanmantráo. Shrinivás (Statement XVI.) speaks only of two visits. Vithal Tikáji says Hanmantráo *wrote* about the money (Statement XIII.), so there was no need for the visit, and I think that Soman has confused the visit of Hanmantráo to Akalkot before the Sholápur visit with one imagined to be paid after the Sholápur visit and before the payment.

Statement II.
Statement XII.
Statement XVIII.
Statement XIII. B.
Statement XVIII.
Statement XIV.

The first payment of Rs. 4,000 was, I think, made on January 9th, 1887. Hanmantráo (XII.) says January or February 1887. Rávji (XXII.) gives the precise date.

Rávji Dándekar and the Kárbhári took the notes to Mr. Crawford's house (Statement XIII.). The Kárbhári's version is given in Statement XIII. Hanmantráo's version is in Statement XII.; Rávji's in Statement XXII. There are no serious discrepancies. Rávji is not sure if Hanmantráo returned with them. Shortly after this payment Vithal Tikáji is as promised promoted to 1st Grade Mámlatdár, although he was absent in foreign service, and the rules do not sanction such promotion. The money was

advanced without security by the old family manager, Rávji. Mr. Crawford complained of the short payment, but the Rája who was not in possession of his powers in the State could do nothing.

Accordingly the Rája presses for the powers which shall give him control over money, and the agent, Hanmantráo, has to pay a second visit to Akalkot to keep the Rája up to the bargain. The collector on January 24th, 1888, sends his report to Government, and Hanmantráo visits Akalkot second visit (Statements XIII. and XVIII.), in January or February 1888. The Rája confirms this (Statement XIV.). Shrinivás, perhaps, refers to it as the second visit (XVI.). Hanmantráo apparently does not refer to it. But I think the visit was paid, and certainly the report of the collector recommending that powers be given to the Rája was now before Government. On February 12th, 1888 (Statement XXII.), or February 13, as Rangnáth (XVII.) said (but he was not sure of the day), Mr. Crawford is paid Rs. 3,000 in notes by Vithal Tikáji, and Rangnáth, the Khásgi Kárbhári, while the balance in cash was paid on his account to Hanmantráo. Of this payment we have Rangnáth's account (Statement XVII.). Mr. Crawford counted the notes, and, finding only Rs. 3,000, gave the orders about the rest. Vithal Tikáji's account is given in Statement XIII., Hanmantráo's in Statement XII. Hanmantráo is full as to the conversation. Vithal Tikáji is vague. Hanmantráo speaks of Rs. 4,000 given in notes, and Rs. 2,000 cash given to him. The events preceding this payment are very important. The agent, Rávji would no longer advance money without security. The Rája gave him an acknowledgment for Rs. 10,608-2-0, Exhibit A., of which full details are given in Statement XXII. It covered the previous advance and 14 months' interest on it. This receipt the Rája asked to have returned to him, and it was secured on my visit to Akalkot. The story of its return is told in statements XV. and XXII. It was parted with because of the collateral security of the jewels, Exhibits B. and C. These jewels were partly pledged again by Rávji to Nathu when he borrowed in Poona the Rs. 6,000, Exhibit E. and Exhibit F., when they were returned (Statement XXII). All except one, a *nath* privately given back to the Ráni to wear, are still with Rávji, who is about to surrender them to the collector. Then there is Nathu's clerk's account of the transaction (Statement XXIV.), with numerous exhibits (G. to M.)

When this payment had been made there was a third visit of Hanmantráo to Akalkot on March 15th, 1888. He carried the Confidential Government Resolution No. 1792, dated March 9th, 1888, which it was against orders to show (Statement XVIII.). He was given a present of Rs. 100 by the Rája—*vide* Exhibit D., Statement XVII.; also Hanmantráo's Statement XII.

There is, however, one discrepancy which has yet to be cleared up. It is clear from Statement XXIV. that the Rs. 6,000 were taken on—

February 12th - - - - -	Rs. 1,000 Notes. „ 2,000 Cash.
February 13th, morning - - - -	„ 2,210 Notes. „ 790 Cash.

It is clear the payment was made on February 13th. Vithal Tikáji admits that he cannot fix the date, but will do so. Rangnáth, who went with him (XVII.), says it was February 13th. But why does Rangnáth say that he got Rs. 3,000 in notes first, and Rs. 3,000 in cash after the bribe was given? It is unfortunate that he is not here to explain. When he was examined, the case was not cleared up by the examination of Vináyak (Statement XXIV.). Perhaps the Kárbhári or Rangnáth hoped to make something out of the transaction. Why did they get Nathu to give only Rs. 3,000 one day and Rs. 3,000 the next, when the full pledge for Rs. 6,000 was with him? Perhaps they tried to persuade Hanmantráo to accept Rs. 3,000 for his master only. Perhaps they had some plan of their own. On this point the officer who prepares the case must make further inquiry. Despite this difficulty, the case appears a singularly strong one, and with this note I transfer it to the Government solicitor for the opinion of the Advocate-General and for formulation of a charge against Mr. Crawford.

(Signed) W. Lee-Warner,
Secretary to Government.

November 7th, 1888.

Enclosure No. 4 to No. 6.

Crawford Inquiry.

Memorandum by the Inspector-General of Police.

The following notes will show the manner in which the Crawford inquiries were carried out. They cannot fail to be of interest to Government, and may be found to yield some information that can be turned to practical account both now and in the future. For the sake of simplicity I will tell the story in the first person. Preliminary.

2. For many years past I had heard whispers of Mr. Crawford's corruptions. I had served in Dhárwár and Kánara as First Assistant Collector and Acting Collector from 1886 after Mr. Crawford's transfer to the Central Division, and the suspicions with which the general rumours had previously inspired me were strengthened by much that came under my notice during these two years. The demoralization which I observed in all branches of the subordinate Government service in those two districts was only to be explained by some all-pervading cause, and I could not disconnect it from the influence of the late Commissioner. I was not therefore surprised when in the early part of June, soon after I had come to Poona as Inspector-General of Police, I heard hints from various quarters that serious charges had been preferred against Mr. Crawford.

3. On the evening of the 24th June I received a demi-official letter from the Honourable Mr. Naylor forwarding a quantity of papers, informing me that it had been decided to entrust me with the duty of inquiring into the charges against Mr. Crawford which they contained, and directing me to study the papers and inform Government what plan of action I proposed to adopt. Among the papers were, according to my memory, two letters of Mr. Bhimbhái's, the Chief Secretary's notes of an interview with Mr. Pendse, the Honourable Mr. Richey's notes of an interview with Mr. Plunkett, and some papers relating to Mr. Crawford's proceedings in connexion with the sale of a portion of the Bhadgaon Model Farm to Mr. Khimji Jiva. I examined the papers with care, and on the 27th informed the Honourable Mr. Naylor that I was prepared to meet the Members of Government on the following day and explain my views and receive orders. A meeting was accordingly held on the following day at the Honourable Mr. Richey's bungalow, at which were present the Honourable Messrs. Richey and Naylor, the Chief Secretary and myself. The general position, the strength of certain cases and the future course of action were discussed; and as the result, I was formally entrusted with the inquiry and informed that written instructions would be given to me. Secret inquiry.

4. On leaving the Honourable Mr. Richey's house I went direct to Mr. Muir-Mackenzie's and asked him to tell Mr. Bhimbhái to call upon me. I had no acquaintance with Mr. Bhimbhái, had never even seen him, but I had heard him described as a man of ability and independence of character, and it was evident to me that he was regarded with more than common respect by the European officers who had come in contact with him. In the course of the day Mr. Bhimbhái came to see me. His letters mentioned above showed that he was in earnest, and our interview inspired me with confidence in his determination and genuineness of purpose. We agreed that it was necessary to get Mr. Pendse's assistance, and that for the present our inquiries must be absolutely secret. The next day Mr. Pendse visited me with Mr. Bhimbhái by arrangement. We consulted as to an agent to be employed for detective purposes. I proposed to call in Ráo Bahádur Hari Náráyan, whom I only knew by reputation as having been before his retirement one the best and most reliable Inspectors in the Police. Mr. Bhimbhái could give no opinion about him, but Mr. Pendse thought that he was to be trusted, and this was the all-important point. We also discussed and decided on the plan of operations. The class of bribes which was most notorious and which appeared to be most easily capable of proof was the payments made by Mámlatdárs for promotion or favour. This was the business in which Hanmantráo was chiefly concerned, and he was the most widely known of Mr. Crawford's agents at the time. Mr. Pendse had learnt, as he could not help doing in the position he held in the Commissioner's office, the details of many of the Mámlatdárs' cases. It was probable that the Mámlatdárs would in some cases be induced to speak from a sense of duty. In some cases the money had been extorted from them by threats of injury and transfers, and in these it was possible they might

become witnesses. Some of the Mámlatdárs were personally known to me and I thought I might influence them to tell their secrets. All were more or less known to Mr. Pendse. Thus it was that the Mámlatdárs' cases were in the earliest stage selected for inquiry. Three of the cases that were subsequently placed before the Commission were at once selected, and Mr. Pendse was asked to call the three persons concerned to Poona in a way that would not attract notice or create alarm. I kept the detective work in Poona in my own hands. Mr. Bhimbhái's assistance was of a general sort. He was a comparative stranger to Poona, but had a certain acquaintance, and the information gained from them was supplemented by his invariably sound and sensible advice.

uarantee.

5. On the evening of 28th I received written instructions from the Chief Secretary embodying the verbal orders I had received at the meeting at the Honourable Mr. Richey's. The last paragraph of these instructions is the authority on which I acted in holding out what has been called "Mr. Ommanney's guarantee" to witnesses, and I quote it as it became an important factor in the cases tried by the Commission. It runs as follows :—" Mr. Ommanney is empowered to promise " immunity from prosecution to any person giving evidence, and, in cases of payments " for promotion or to obtain or avoid transfers, may guarantee immunity from official " or departmental punishment or loss, subject to the stipulation that the evidence " given is the truth, the whole truth, and nothing but the truth."

6. It will be well to explain at this place that from the very first there has been no difficulty in discovering cases in which bribes have been paid to Mr. Crawford or his agents. It is no exaggeration to say that many cases were notorious, and that the agents were persons widely known as conducting the particular business. Natives of almost all classes knew these things. Europeans only for the most part had no definite information, either because they were indifferent, or did not know how to make inquiries, or had scruples about doing so. It is only by a considerable effort that an Englishman can bring himself to throw out the first hint to a Native that a British officer of the highest position has been guilty of dishonest or disgraceful conduct. Again, it is no new thing to assert that we regard Natives as a class as untruthful, and only too ready to say what they think will please a questioner who occupies a position of authority over them. We all know these things, and in a spirit of fairness we are in this country shy of inviting attacks on any one. This feeling is in a large degree answerable for want of exact information on the part of Englishmen. But it is the fact that in native society the system of bribery pursued by Mr. Crawford and very many specific cases were notorious. It may be that Mr. Crawford's seductive manners blinded many and disinclined them to listen to stories that showed him to be actually dishonest. Still the inquiries have shown that there have occurred crises at different times when the truth would have been discovered if British officers had shown confidence in Native gentlemen of position and respectability, and availed themselves of the information and assistance which they alone could afford.

ternal difficulties.

7. The difficulty, then, was not to discover cases. There were floods of information. Notwithstanding that Mr. Crawford held a high place in Native regard, was feared by some, and had earned the gratitude of many by conferring favours of various sorts, there were plenty of people ready to tell stories of his corruptions. It was when a story would implicate the teller himself in the act of giving, that the fear of the law rose up before him and his mouth was closed. A public servant saw penalties superadded to those imposed by the law; he would not only be thrown into prison, but he would loose his appointment and the preference that he had paid for with money, in many cases honestly acquired. And the revenue suitor, probably a watandár, could not see what he was to gain by confessing that he had given a bribe. If his payments had secured him his just rights, he was grateful he had got his money's worth, and wished things let alone. A confession, besides the legal penalty, might cause his case to be re-opened, and in these days there is a glorious uncertainty in litigation. If his payment had brought him a decision of whose justice he was doubtful, he would be a fool to run the risk of having his case re-opened. It is noticeable also that in Native society a certain disgrace is attached to the fact of confessing to a bribe, and that some, especially watandárs and landholders, consider bribery a creditable method of gaining their ends. Thus every briber would most naturally dread the law and look to his own interest. The Native also is a lover of ease, and has had experience, or at all events heard, of the annoyances attending police inquiries and the law's delays. The days and perhaps weeks of absence from a distant home would be enough

to deter many a witness. Such a witness, on being sent for, would often say to himself, "Let the story break down in inquiry and we shall have done with the business." This feeling would lead to the manufacture of discrepancies, even where a witness made some partial admission through fear that his deeds were known, and render many an inquiry futile. It is absurd and childish to expect that any witness would of his own accord, out of a pure love of the law, incur all the discomforts and dangers attendant on giving evidence that he had made a payment which the Penal Code calls bribery.

Mr. Crawford's official position, his supposed influence in high quarters, his known ability, and his strong following of greedy and unscrupulous agents deterred many, especially Government servants, from appearing as open accusers.

Bribery, again, is an act that is committed with precaution and secrecy. The actors are reduced to the smallest possible number, and all are more or less criminally implicated. When the briber feels that he is the sole repository of his secret, or knows enough of the law of evidence to understand that he is not endangered by the limited knowledge of his bribe possessed by other actors or abettors, his instincts prompt him to deny the payment, Such a case would never be proved unless the briber had miscalculated the value of the external evidence, and the other witnesses were reckless of consequences. Thus all the feelings and instincts of a person who has given a bribe deter him from confessing to it. These may be called the subjective difficulties of such inquiry as the present.

External difficulties.

8. There were in Mr. Crawford's case external difficulties of various kinds. It is now learnt with certainty that nearly all the Native public servants of a certain standing in the Revenue and Police Departments of two divisions of the Presidency were more or less implicated in, or had connived at, the system of corruption that Mr. Crawford had been carrying on for very many years past. The plague had spread to other departments also, and attacked many who were not servants of Government. The Judicial service, Chiefs of Native States, landholders, bankers, pleaders, and people of inferior standing, were infected. Watandárs all over the country had suffered. It was not confined to any one of the numerous castes which are to be found in the two divisions, but had attacked all without distinction. However opposed to one another in sentiments, even to the extent of dislike or hatred, neither Lingáyat nor Parbhu could point at the Bráhman, nor the Pársi at the Musálmán, nor the common Kunbi at any. Among this mass of abettors scattered over the whole country side it was to be expected that there should be many who would exert themselves actively to crush inquiry by preventing witnesses coming forward. In Poona itself such men were numerous and influential, and when the inquiry became public a few acted in concert. This party made a very effective opposition and damaged many cases. Men of position in Poona, who might have rendered me valuable assistance, found themselves under the necessity of holding aloof for fear that acts of their own, which were at least questionable, should not be brought to light.

9. Opposing influences of a more obscure and unexpected kind came into play. The conservative old-fashioned class in Native society spread the idea among those of more liberal and just ideas that, whatever show Government might make, it was after all a Government of Englishmen, and they would never proceed to extremities against one of their own class; the inquiry would inevitably recoil on the heads of informers and witnesses. Witnesses have themselves expressed this opinion to me in very genuine fear. The same conservative class argued that a man who paid a bribe was a fool to confess; the thing was done; let him stick to it; he had done no harm to any one, and would loose what he himself had gained. There were also certain politicians who carried considerable influence. They pointed out that these exposures must depreciate Native character and lead to the postponement of constitutional privileges. Some even argued that corruption in high places was a good thing, since it afforded the means of procuring benefits from Government which would not otherwise be conceded, and they were able to point to specific instances in support of their opinions. This undercurrent of intrigue carried away much evidence that might otherwise have come to the surface.

G. N. Sáthe.

10. The complaint of Ganesh Náráyan Sáthe was the work of a dismissed subordinate judge and Mámlatdár, himself tried, convicted, and acquitted on appeal of bribery. I do not know to what extent this man was backed by others, but I mention the matter as a specimen of one sort of obstruction created by the party of opposition. This did mischief enough in the later stages of the prosecution, but the secret opposition was

more mischievous still. It must not be forgotten also that Mr. Crawford had made friends of the mammon of unrighteous men, and few Natives will be found who will say a bad word of his personal conduct towards themselves.

Mr. Pendse.

11. It is in the face of such difficulties that this inquiry has been conducted, and it is absolutely certain that without the guarantee no word of direct evidence would have been elicited. Before resuming the narrative of the inquiry it is necessary for a clear understanding of its nature that I should say something in explanation of Mr. Pendse's position, his character, and his motives, for it is to his personal influence that Government is very largely indebted for the evidence that has been collected. I trust that the necessity I am under of compressing my remarks into a suitable space will not render them obscure or defective for the purpose of conveying my meaning.

Mr. Pendse's position, when I called upon him to assist me in collecting evidence, was extremely delicate. It was clear that the work afforded him no gratification. He felt that his duty compelled him to act the traitor, as it were, to the Commissioner. Fortunately he was not at this time obliged to come into contact with Mr. Crawford, who seldom visited the office or sent for his assistants. He had occupied the post of head assistant during the whole period of Mr. Crawford's tenure of the division. Mr. Crawford had never done him an injury, and had treated him with uniform respect and kindness. He had no excuse in Mr. Crawford's conduct to himself with which to persuade himself that he was not acting ungratefully in taking part in the inquiries against Mr. Crawford. He owed Mr. Crawford no grudge, could hope for no gain, and was shrewd enough to foresee the harassment that was likely to be experienced by every agent and witness in the great exposure. As far as I can detect, there was absolutely no motive that can be called bad or unfair to induce Mr. Pendse to give me his help.

Mr. Pendse's value to me consisted in his personal influence, both with the subordinates of his own office and the Native officers under the Commissioner's jurisdiction scattered over the wide area of the division. This influence was due to the sturdy independence of character, which enabled him to keep clear of the corruption which surrounded and permeated the Commissioner's office. These people could understand, what others have failed to do, that it was possible for him to know that bribery was rife, even to be brought into contact with it, and yet to escape the contagion himself. Mr. Crawford himself never ventured to approach Mr. Pendse directly with any questionable project. He often made use of him to give the right opinion in a difficult case, in order that a corrupt decision should not be wrong in law and principle, and that payments should be extorted from the safe side. To those who have acquired experience of Native character, it is quite comprehensible that a Government servant, who is a Hindu, and at the same time an honest man, should go on steadily doing his own work in such a position as Mr. Pendse's, making no outcry, telling no tales, committing no indiscretions, and avoiding any share in doubtful dealings, as well as rupture or unpleasantness with a superior officer of Mr. Crawford's standing. Space will not allow me to analyse Mr. Pendse's character further than to point out that in taking a prominent part in this inquiry he has exhibited the highest sort of courage—a courage that is uncommon in his class. He had no fear that he himself would become involved in the quagmire of corruption which he was to assist in exposing. But he knew that he should see many a friend struggling there, and hear the reproaches and even curses of sufferers and by-standers directed against himself. Still he entered on his duty with cool purpose and deliberate thought, uttering no word of vindictiveness, exhibiting no spite against any person or class of persons. The secret of his influence, which is the secret of such success as has attended this inquiry, lies in Mr. Pendse's personal integrity, honesty of purpose, and courage.

Mr. Bhimbhái.

12. I have already made some general observations on Mr. Bhimbhái's character and ability. The quality of courage which I have ascribed to Mr. Pendse must have prompted Mr. Bhimbhái in an almost equal degree. In more than one important respect, however, his position was easier than Mr. Pendse's. He would not expose himself, like Mr. Pendse, to the suspicion of connivance in corruption, nor would he bring difficulties and trouble on the heads of his relations and friends. It must not be imagined that the attacks which were being made on the Mámlatdár witnesses were not foreseen and discussed by us, nor that the Mámlatdárs incurred them with their eyes shut.

As to Mr. Bhimbhái's motives in initiating and prosecuting these inquiries I can discover none that are unworthy. He has no doubt felt a justifiable resentment at

Mr. Crawford's unwarrantable attack on his character in the private letter to Mr. Muir-Mackenzie. The resentment was the keener in that the insult came from a man whose corruptions were, as I have said, notorious in Native society. But the consciousness of insult received, though it may operate as an incentive to undertake, does not disable a man from taking a share in such an inquiry as the present with all honesty of purpose, and Mr. Bhimbhái's conduct, like Mr. Pendse's, has been marked throughout by cool judgment and scrupulous moderation. No stone has been thrown at random, no charge has been recklessly preferred. Every case which Mr. Bhimbhái handled has been carefully traced out with great skill and complete fairness. After all, Mr. Bhimbhái is a comparative stranger to Poona, of retired habits, and possessed of little influence of the sort that comes from personal acquaintance and friendship with the people who were witnesses in our cases. His abilities, sound sense, and good reputation were the qualities that made him of so much use to me. I have no hesitaton in expressing my conviction that the prime motive of his conduct was a genuine desire tc cleanse the administration from a vast corruption, and I should be unjust to him if I concealed the fact that it was largely owing to his converse and advice, and wide grasp of the whole subject as well as particular cases, that the lofty purpose of the inquiry was never lost sight of. His calm and dogged perseverance was also of infinite service.

13. I think it necessary also to say a few words in personal description of Mr. Hari Náráyan. This gentleman had retired from the service with an excellent record. Until I asked the advice of Messrs. Pendse and Bhimbhái about his employment on this very confidential work, his name had not occurred to either of these gentlemen, and to Mr. Bhimbhái he was a complete stranger. He was a stranger also to me, and I summoned him through the superintendent of police, with whom he was acquainted, lest he might perchance take alarm. When he came to me he had no idea of the inquiry that was impending, and, knowing him as I do now, it is amusing to recall the cautious manner in which we felt our way at our first interview. Mutual confidence once established he set to work with a will, and I soon began to receive the most valuable aid from him. He was at the time of our interview on leave from Dhár, in which state he held a judicial office of some value. I claimed his services as a pensioner of the British Government, and he submitted, as few pensioners would have done, to the call of duty. Mr. Hari Náráyan, though having relations in Poona, was not on good terms with his castemen, the Bráhmans of the place. He had loyally exerted himself at the time of the Poona dacoities, when he was inspector of police, in the cause of order. He was instrumental in the capture of Vásudev Balvant Phadke, the Bráhman outlaw. His independence of character, detective skill, and freedom from local influences were great recommendations to him for my particular business. **Mr. Hari Náráyan.**

This description of the three Native gentlemen who were my principal assistants is necessary to enable a clear idea to be formed of the character of the inquiries and the way in which they were conducted. There were of course many other Natives who did good service, but their character and motives are not material. They will be mentioned when necessary in the course of the narrative.

14. I have mentioned that my first interview with Messrs. Bhimbhái and Pendse took place on the 29th June, when it was decided to send for three Mámlatdárs, Vinze, Thakár, and Sindekar. On the same day I called on the Chief Secretary and received a further budget of information, which, as well as I can gather from my papers, had been communicated by Mr. Bhimbhái, who had received it from the subordinate judge of Khatáv. I began on the same day to seek for the evidence that would be afforded by the savings bank books of Thakár and Sindekar. It was on this day that Báláji Gangádhar Sáthe first called on Mr. Nugent in the capacity of informer, as I gather from a private letter of Mr. Nugent's. The fact that Mr. Sáthe had informed, being a matter of considerable importance to the inquiry, I called on the Chief Secretary the next day and heard all about Sáthe's interview, and at the same time I informed Mr. Nugent that Mr. Barve would bring in the Mámlatdár, Phadke, to depose to the bribe he had paid. The same afternoon I had my first interview with Hari Náráyan, and received from him a great addition to the stock of general information already collected. In the evening I received from Mr. Nugent a memorandum of the information given by Sáthe. **Collection of evidence.**

15. On the 30th June I had an interview with Mr. Khárkar, Mr. Crawford's assistant in the Alienation Office, on the subject of the Khatáv case, which is described in one of Mr. Bhimbhái's letters to Government, and by Hanmantráo in his statement, and **Khatáv case.**

thus made the acquaintance of this officer, who subsequently gave me valuable assistance. Mr. Pendse sent Mr. Khárkar to me with the papers in the case, at my request.

16. On the 1st July I recorded the first statement of a witness, the peon Manáji Kálu. He came to me with Messrs. Pendse and Bhimbhái and Khárkar. As well as I remember, it was while these persons were with me that Báláji Gangádhar Sáthe was announced. After I had done with the witness I interviewed Sáthe. I had already heard enough of Mr. Sáthe to be extremely cautious in dealing with him. He was a corrupt man, and a babbler and braggart in his cups, and he indulged in dissipation of this sort every night. The other gentlemen who were with me did not wish to meet him, and on this and every other occasion when he called at my house I spoke to him apart. He never met Mr. Bhimbhái or Mr. Pendse in my house, and it was clear, by their manner, that they did not wish to be associated with him. My duty, however, was to collect information and evidence, and I tapped Mr. Sáthe as far as he would permit me.

Mr. B. G. Sáthe.

I found him a talkative and shifty individual. He never made a straight and fair answer to my questions. He strove to misdirect my inquiries, whenever he felt them inconvenient, by his remarkable volubility. Nevertheless, his vast stock of information of the sort I wanted made him interesting, for it must be remembered that I was learning, having my eyes opened to the real nature and extent of Mr. Crawford's corrupt dealings. He had brought some papers with him connected with watan and zamindár matters. He pointed out Mr. Crawford's contradictory or questionable orders, in illustration of the levy of bribes, in case after case. At last I thought it advisable to take up pen and paper to test how far his personal and exact knowledge went, or at least to what extent he was prepared to give direct evidence. Such evidence must, from the nature of his conversation, have admitted a great degree of connivance in the alleged bribery. The result may be seen in a beggarly manuscript covering less than a sheet. Having thus taken the measure of the man, and learnt that he was not a *boná fide* informer, prepared to inculpate himself, I dismissed him with little expectation that he would be of any service to me. I made further inquiries on this day in other quarters.

Potnis case.

17. On the 2nd July I took down the statement of a witness named Potnis, who had paid Mr. Crawford Rs. 1,000 as a loan, so he alleged. He came to me with Messrs. Bhimbhái and Khárkar. Mr. Plunkett called on me by appointment, and gave me information on certain matters, and I received further information about Phadke's case, which Mr. Nugent had learnt, I imagine, from Mr. Barve. At night I took down the statement of Mr. Vinze. On the 4th the statements of Thakár and Pátankar were recorded. Mr. Thakár holds a very high position in the estimation of his brother mámlatdárs, and I have reason to believe that his example exerted a wide influence. Throughout the inquiry he has been of great assistance in various ways. He is one of the witnesses of whom it can be said with confidence that he has come forward from a sense of duty.

Phadke case.

From the 2nd of July I ceased all attempt to keep a diary, and I find only scattered notes. The information was crowding in too fast upon me, and I had to keep the work of my own office going. The following is a general sketch of the operations.

Mr. Pendse was under instructions to send for certain mámlatdár witnesses to Poona with absolute secrecy, and so well was this duty performed that several witnesses came to me, had their statements recorded at night, and went away without a soul in Poona outside the secret having seen them. In order to bring Sindekar I made use of a cipher telegram with the collector of Násik, and, learning what a timid man he was, took the precaution of having him escorted.

Sindekar.

18. In the meantime Hari Náráyan was working his own line, and, at his own request, I did not trouble him to assist in the inquiries that were going on in other directions. He made his approaches towards Kázi Abbás through a man named Dulekhán, who had been a subordinate of his in the police, but had been dismissed for drunkenness, and had bribed Mr. Crawford to be reinstated. Through this channel I was kept acquainted with Mr. Crawford's movements and the precautions that he and Hanmantráo were taking against detection. They suspected that inquiry was being made. Mr. Crawford only communicated with Hanmantráo and other agents with secrecy. Hanmantráo cleared his house of compromising papers, and removed his family.

Kázi Abbás.

19. A particular transaction was being watched by Hari Náráyan, and it was extremely interesting to me, since it eventually removed the smallest shade of doubt that may have remained in my mind about the justice of the prosecution in which I was engaged. I have said that I came to Poona with a pretty firm conviction that Mr. Crawford took bribes. Not long after my arrival I received from Mr. Crawford, as Commissioner, a memorandum, in which he objected to an appointment of inspector made by Colonel Wise. The artificial and crafty language in which this memorandum was drawn up led me to suspect there was corruption behind it, and I put the paper on one side, uncertain how to deal with it, and waiting for the person to turn up whom Mr. Crawford intended to favour, and who was indicated in the curious description contained in the memorandum. Then I received an application for the inspectorship from one Sarotamsing, a chief constable, with an endorsement by the superintendent of Poona. I noticed nothing peculiar about it at the time, and put it also on one side. Then the inquiry papers came into my hands, and I was for some days engrossed in them and the inception of the inquiry itself. On the 2nd July Hari Náráyan informed me that Sarotam was negotiating through Kázi Abbás for the inspectorship, and that he had written a letter to Kázi Abbás quite recently. This recalled to my mind the correspondence and petition above referred to, and I returned the former to Mr. Crawford officially, with a reply inviting him to suggest a suitable man for the post of inspector. At the same time I noticed that Sarotam's petition was originally addressed to the commissioner, and that that heading had been scratched out and the superintendent of police substituted. The chief constable's description of himself and his services was such as would have suggested the curious paragraph of the Commissioner's memorandum. In a day or two I received an intercepted letter of Sarotam's to Kázi Abbás, praying him to urge Hanmantráo to proceed with the writer's business. The Commissioner did not return the correspondence, but at the governor's *levée*, held on the 7th July, mentioned Sarotam to me as a likely man for inspector, and the suggestion was thrown out in any but an ingenuous manner. Soon afterwards the correspondence came back with an inconsequent reply, evidently worded so as to account for the delay that had occurred in answering. Mr. Crawford's hint at the *levée* left no doubt on my mind that Sarotam was the person indicated in the Commissioner's original description. The matter has since been fully explained by Hanmantráo and Sarotam himself. Sarotam's case.

Hari Náráyan was thus steadily making his approaches towards Kázi Abbás and another agent named Appásáheb Káyagaonkar, a brother of the Jághirdár Dikshit, of Sendurni.

20. Báláji Gangádhar Sáthe saw me perhaps once between his first visit on the 1st July and the 6th July, but I have no note of any interview. On the 4th July he brought to me the witness Ganesh Govind Bháve, who was pandit to Mr. Crawford's friend Mr. Wilson, and in Mr. Wilson's absence acting as agent for a property he had purchased at Kirkee, and I took down his statement. On the 6th July Sáthe came to me in a state of great excitement. He showed me, I think, a copy of a telegram he had sent to Mr. Keyser at Sátára. He had worded the message in mysterious language, and was afraid Mr. Keysér would not understand it, ask his clerk about it, and so disclose the secret inquiry that was going on. The object of the telegram was to summon the Mámlatdár Bivalkar, who had given a bribe. I think I must have authorised or directed Sáthe to send for Bivalkar, for the case was known to us. At all events I wired Mr. Keyser to regard Sáthe's message as coming from me; and this incident taught me to be still more cautious in trusting flighty Mr. Sáthe. I find that Bivalkar's statement was taken on the 7th July, and with the exception of Mr. Bháve he was the only witness Sáthe had any hand in bringing to me. Mr. Sáthe is just as notorious for corruption as Pendse is for the opposite quality, and it is wonderful that he should have had influence with even a single witness. I see from my notes that I instructed Sáthe to make a list of a certain sort of documents in the Commissioner's office, but this he never did. Mr. B. G. Sáthe. Bivalkar.

21. At this time Mr. Crawford was being hard pressed by Bháu Mansárám for the payment of a debt of Rs. 15,000, and about this business Mr. Sáthe gave me interesting information on the 7th, 9th, and 10th July. There had been for some time past an estrangement between Mr. Crawford and Mr. Sáthe, which arose out of Mr. Sáthe's jealousy of Hanmantráo, and Mr. Crawford's and Hanmantráo's fear that Mr. Sáthe's corrupt interference in cases, besides hampering Mr. Crawford in his own corrupt dealings, was likely to lead to conflicting interests in the disposal of cases and increase the risk of exposure. According to Sáthe's information, which is supported by Bháu Mansáram.

documents in the handwriting of Mr. Spiers, Mr. Crawford got Mr. Spiers to arrange a meeting between himself and Sáthe at Mr. Spiers' house at night. The first overture came to Sáthe from Spiers on the 7th in a note couched in veiled language. On the 8th another written message came from Spiers in similarly disguised terms. As the result, Mr. Sáthe met Mr. Crawford at Mr. Spiers' at 10 o'clock on the night of the 8th. A sort of reconciliation was patched up and Sáthe in consequence took Bháu Mansárám to Mr. Crawford's bungalow on the morning of the 9th, when it was arranged that Mr. Crawford should pay an instalment of his debt. On the morning of the 10th Sáthe again took Bháu Mansárám to Mr. Crawford's bungalow, and some three or four thousand rupees were paid to Bháu Mansárám. The chief secretary himself saw Sáthe coming away from this business at Mr. Crawford's bungalow.

r. B. G. áthe.

There are a few points in Sáthe's information and the whole transaction which are of importance, since they largely influenced my subsequent conduct towards Sáthe. I was convinced that Sáthe was not wholly on the side of honest prosecution. He was feeding me with information, but he was at the same time trying to keep on terms with Mr. Crawford. He was both treacherous in an extreme degree to Mr. Crawford, and evidently an unreliable assistant to me. This attitude in a man of Sáthe's position was revolting to my ideas. But there are other incidents in this affair which added to my distrust and dislike of Sáthe. He told me that he showed Mr. Pendse the first letter he received from Mr. Spiers. This is denied by Mr. Pendse, and I believe it to be wholly untrue. The written message he received from Spiers on the 8th is in two paras., both, as well as I can judge, in Spiers' handwriting. Sáthe insists that the first para. is Spiers' writing, and the second para. is a forgery of Spiers' handwriting by Mr. Crawford. Neither the writing itself nor the sense of the document permits this construction. Again, it was clear that Sáthe was keeping up his confidential relations with Spiers, one of Mr. Crawford's most notorious agents. This was unendurable if Sáthe was to assist me. I distrusted Mr. Sáthe before; I now made up my mind that under no circumstances would he be fit for the witness-box. My notes do not show that Sáthe gave me any further information, and I doubt if I ever saw him again after the 10th July. Sáthe was the person at whose hands Mr. Crawford feared exposure, and my impression is that after the reconciliation described above he ceased to feel any great uneasiness. It was reported to me three or four days after the 10th that there was no alarm in Mr. Crawford's camp.

r. Rudra- uda.

22. When the inquiry was first placed in my hands, I sent for Mr. Rudragauda, the Chitnis of Dhárwár, a gentleman in whom I could repose trust. He came to Poona on the 2nd July. I talked over matters with him, and directed him to make inquiries and see if any witnesses in cases which we discussed would be induced to come forward. He was in Poona for two or three days and then returned to Dhárwár. I heard nothing of importance from Dhárwár before Mr. Crawford's suspension. A reliable police inspector from Gujarát, Mr. Krishnáji Gajánan, was also called in to assist in detective work in Poona, but his want of acquaintance with the place prevented his giving any material assistance, and I sent him home after some days' trial.

ecret in- iry ends.

23. Except the two witnesses who came through Mr. Sáthe, all those whose statements were forwarded with my report of the 15th July were called more or less through the instrumentality of Mr. Pendse. Those statements were all that I had at that time recorded with the exception of Mr. Sáthe's, which was of no practical value, and one by Khárkar relating to the Khatáv case. All had been taken with every precaution as to secrecy. The mass of general information, however, was very large, and with the direct evidence left not a shadow of doubt of Mr. Crawford's corrupt practices and the extensive agency which he had in his employ. With the necessity for secrecy at that time the corroborative witnesses had not been sent for. All the cases, however, except that of Potnis, were subsequently worked up.

eport.

24. On the night of the 14th July I received a letter from the Honourable Mr. Naylor urging me to send up the papers, and if possible to report, since Mr. Crawford was said to be about to apply for leave. He had moved from his house at Kirkee to the club in Poona, and was openly talking of his intention to take a sea-trip to Ceylon. I wrote a report and a narrative in each case in the small hours, and despatched it to the Chief Secretary the first thing in the morning. In my report I urged the necessity of suspending Mr. Crawford before witnesses could be expected to overcome their fears and give evidence against him. I met the Honourable the Members of Council and the Chief Secretary in the forenoon, and in the evening I received an order from the Chief Secretary directing me to at once lay a criminal information under sections 162 and

163, Indian Penal Code, against Hanmantráo before the district magistrate, to apply for a warrant since Hanmantráo was likely to abscond, and to ask for very substantial bail and a long adjournment. I had learnt and informed the honourable members that Hanmantráo had made all preparations to decamp some time back, disposed of all papers, and sent away his family. In fact I had been expecting him to take to flight every day. Criminal information against Hanmantráo.

I understood that at that time there was no intention of prosecuting Mr. Crawford in a criminal court, and I therefore selected from the cases in my hands that of Pátankar for the information against Hanmantráo. It was a case that did not go home to Mr. Crawford so completely as others did. The information was laid before the district magistrate early the next morning.

On the morning of the 16th, therefore, Hanmantráo was arrested, the Commissioner suspended, and the police put in temporary charge of his office. I attended the district magistrate's court on that day to ensure that the magistrate should not want for information about the persons Hanmantráo should offer as security. Hanmantráo arrested. Mr. Crawford suspended.

25. The inquiries were now to be openly conducted, and one of the first steps taken was to request the postmaster to detain the letters of Hanmantráo, Abbás, Kalavde, and Pálande—all bribe-agents of Mr. Crawford. I found, however, that the law would not permit me to get possession of these letters, and in a few days the Postmaster-General removed the embargo. But before that was done Kázi Abbás had come in, and, as a guarantee of his good faith, I got him to fetch what letters of his had been detained, and open them in my presence. Since hints have been thrown out by Mr. Crawford and Kalavde that their letters were tampered with, I think it as well to say that except to the extent described above no attempt was made to intercept correspondence in the post, or even elsewhere, except in the solitary instance of Sarotamsing. Post letters detained.

26. Important statements were taken on the 16th July, one being that of Deshpánde, and the other that of Appásáheb Káyagaonkar—the first-fruit in the shape of direct evidence of Hari Náráyan's labours. The Mámlatdár Phadke also made his statement on this day to Mr. Nugent, Mr. Barve and I being present. On this day and for some days to come I had to take statements down at night, not because there was any longer necessity for secrecy, but because my time was very fully occupied both with my own work and the general business of the inquiry. Mr. Crawford after his suspension returned to the house at Kirkee and was visited by Kázi Abbás, who had returned from Bombay the night before. I arranged to watch the approach to Mr. Crawford's house on the Poona side, but learned nothing more of his visitors, if he had any. On the 17th he seems to have busied himself with the preparations for his flight. He was particularly abstemious, as I subsequently learnt, though he had been indulging pretty freely before. He sent a quantity of papers to the Commissioner's office. He wrote a long defence, in which he attributed his disgrace to Sáthe, prayed his brother or some other relatives not to rest till they had exposed the alleged conspiracy, and bade a farewell of his wife and family. This document, as I was informed by some who saw it, was carefully written in ink, the last few lines being dashed off in pencil. Mr. Leslie Crawford had possession of the paper when I was told about it, with the accompaniment that Mr. Leslie Crawford prayed it might not be referred to. I do not consider myself under any pledge about it, however, and mention it here as leading up to the fact, most important in evidence, that Mr. Crawford's first instinct in face of the impending charges was to run away, and that he made deliberate preparations for his flight. He appears to me to have left his house earlier than he had intended in order to avoid meeting his brother. Káyagaonkar. Mr. Crawford's flight.

27. I was taking down the statement of Yádavráo Sáthe at night, and it was well past 12 o'clock or, perhaps, nearer one, when I received notes from Mr. Propert and Colonel Babington saying that Mr. Leslie Crawford had arrived at Kirkee and sent word that Mr. Crawford had disappeared after leaving on the table a scrap of paper in which he hinted that he was about to throw himself into the river. Colonel Babington followed his note at no long interval. I had stopped my work on receiving the notes and we discussed the probabilities of the case. For various reasons, one of which was that my study of a great deal of Mr. Crawford's correspondence had always taught me always to look for the truth behind it, I preferred to think that Mr. Crawford would be found hiding in Poona city or travelling to Bombay from some side-station. He had been in the habit of visiting Bombay frequently, and living, no one knew where. He had also the sea-trip to Ceylon in his mind before his suspension. We agreed that if he was hiding in the city it would be sufficient to warn the local police, and he could not leave the place undetected. I am one of those also who do not believe that Mr. Crawford

is without a hoard in Europe, which he would not willingly abandon. I therefore determined to warn the railway police. Colonel Babington and I accordingly drove to Mr. Propert's bungalow, picked up Mr. Filgate and thence to the railway station. Finding no officer of sufficient standing in the station to whom I could give instructions, I wrote them on a telegraph form, and driving to the house of Inspector Jeffries delivered them in person, making him read them over in my presence. They were to the effect that he was to travel to Bombay by the 5 a.m. train and keep a look-out for Mr. Crawford at all stations on the line. If Mr. Crawford got into the train the inspector was to watch and not interfere with him, sending me immediate word by telegraph. We spent the night wandering about Mr. Crawford's premises at Kirkee, whither Mr. Propert had preceded us, and early in the morning I returned to Poona with Mr. Filgate. I went to the Honourable Mr. Richey's at the earliest reasonable hour and informed him of Mr. Crawford's flight, asking for instructions in case he was discovered to be travelling to Bombay. Mr. Richey informed me that I should content myself with ascertaining what Mr. Crawford's movements were. I went home from Mr. Richey's, and in a short while received a note from Inspector Jeffries from Kirkee saying that Mr. Crawford had got into the train at Poona station and was travelling to Thána third-class in disguise. I sent the note over to Mr. Richey at once, and he answered that I should be safe in doing nothing to stop Mr. Crawford. I accordingly sent a telegram to Jeffries to return to Poona, and drove to Kirkee where I found the police dragging the river. Thence I returned to Mr. Richey's, probably calling at my bungalow and receiving a message from him. The Honourable Mr. Naylor also came there and I received instructions to keep up the watch on Mr. Crawford, in consequence of which I went to the station, sent telegrams to Colonel Wilson and various officers on the line, and directed Inspector Jeffries by a special messenger to go on to Bombay. I have thought it as well to explain in this confidential document how I came to recall Inspector Jeffries, a matter that was made the subject of public comment at the time.

riminal information against Mr. rawford d his rest.

28. I had not closed my eyes for some 28 hours, and on returning home laid down to get some rest. But within an hour or two the Honourable Mr. Naylor called and directed me to lay a criminal complaint against Mr. Crawford and despatch it by the midday train to Bombay. I drew up an information in the Sindekar case, in preference to the Phadke case, which I considered the strongest as against Mr. Crawford, because I did not care to show Mr. Crawford's numerous and unscrupulous followers my best card. The information was sworn before Mr. Vidal, and a warrant obtained in the course of the afternoon and despatched to Bombay. The incidents that occurred in Bombay have nothing to do with me, and I, therefore, make no further reference to them. On hearing that Mr. Crawford was on his way to Kirkee in charge of Colonel Portman I despatched a copy of the warrant to be served on him there, and this is the last fact connected with Mr. Crawford's flight that appears to be worth mentioning. The manner in which he attempted to take his passage by the steamer, and the facts connected with his arrest by the Bombay police are recorded in evidence.

r. Crawrd bailed.

29. In due course Mr. Crawford was bailed by some of Pársi friends, and finding himself at bay determined to show fight. His very first stroke was one that did credit to his great powers of organisation. He came and took up his quarters in Mr. Symonds' bungalow next door to me. There was to be no longer any hiding away, he would court the very doors of the inquiry, he would be posted, as he himself humorously described it, " between the Honourable J. B. Richey, Member of Council, on one side, and Provincial Inspector Buckett Ommanney on the other—mighty convenient." There may possibly have been something of accident in this disposition, but I regarded it as the outcome of deliberate strategy, and took precautions, which were of doubtful efficacy, against communication across the imperfect prickly-pear hedge that alone separated him from me.

ubordinates moved.

30. In my report of the 15th July I recommended that the Mámlatdárs Kalavde, Bápat, and Kumtekar, the last of whom was acting as secretary of the Poona municipality, and Patwardhan, the head clerk of the Commissioner, C.D., should be removed from Poona and its neighbourhood, because my information showed that these men were likely to be the most active of Mr. Crawford's friends in destroying evidence. On discussion, it was decided to suspend Kalavde and Bápat. There was a difficulty about Kumtekar, since he was for the time the servant of the municipality. It was not decided what should be done with Patwardhan. Later in the day, I received a note from Mr. Nugent recommending that Patwardhan and Yádavráo Sáthe should be suspended. It is probable that I did not follow Mr. Nugent's advice regarding

Patwardhan, for instead of being suspended he was sent to Khándesh to act as deputy accountant, as being the best means of keeping him out of mischief. Yádavráo Sáthe was suspended and other objectionable men in the Commissioner's office were removed by Mr. Moore who consulted me in these matters.

Special officers.

31. Another important step taken at the crisis was to summon Mr. Vincent, Superintendent of Police, Ahmednagar, to assist in the inquiries. Mr. Vincent came and excused himself from the work on the plea of sickness, and Mr. Kennedy was summoned from Ratnágiri in his stead. Mr. Bhimbhái had been assisting me in the secret inquiry with the approval of Government. On the 16th July Government at my request formally directed Mr. Muir-Mackenzie to give Mr. Bhimbhái the necessary orders to render me all the assistance I might need from him, and Mr. Bhimbhái was placed on special duty by a Government resolution from 20th July. There was the necessary delay about Mr. Kennedy's coming from Ratnágiri, and finding my work more than I could manage, and the record that was accumulating in danger of getting out of order, for I could trust no clerk at this time, I applied for the services of Mr. Lucas. Mr. Lucas was serving in Násik. I knew him personally as a shrewd and energetic officer, with considerable experience of official knavery acquired in the Kánara district. At this time also, about the 10th July, I moved the Chief Secretary to remove Báláji Gangádhar Sáthe from Poona, since I regarded him as an untrustworthy informer, a mischief-maker in the city, and a man of such shifty manners and corrupt character that he would be useless as a witness in any trial. He actually left Poona on some date soon after the 21st. I do not think I had seen him since he told me the story of his reconciliation with Mr. Crawford.

Yádavráo.

Kázi Abbás

32. On the 19th I find I completed Yádavráo Sáthe's statement and took that of Kumtekar. Yádavráo's statement appeared to me so straightforward and complete that in the course of the next few days I began to make use of him as a clerk in the inquiry work. On the 20th Hari Náráyan brought Kázi Abbás to me, who appeared at the time to tell a fairly complete story, but whom I found afterwards to be a most cunning and shifty witness. We could not depend on anything Kázi Abbás said as being the whole truth, and for some time after he came to me I believe that, notwithstanding his protestations, he was coquetting with Mr. Crawford. He seems to have had two ruling ideas to the end, one to steadily avoid an admission that he had himself actually done the final act of bribery in handing money to Mr. Crawford, and the other that he would say nothing to bring home a case against Spiers, who had apparently brought up Kázi Abbás from a boy, and was chiefly instrumental in establishing his claim to the Káziship of Poona. Kázi said openly he would not go against Spiers, for it would lose him the only support he had in life. Though he gave a large amount of valuable information, he was always a thorn in the side when a particular case had to be worked up.

Mr. Lucas.

33. Mr. Lucas appears to have come about the 21st, and I gave him charge of all the papers with instructions to place together in continuous memoranda the information regarding different persons and cases which was scattered through various statements and notes of information. When this had been done, he began to assist Mr. Kennedy and myself in taking down statements. The first statement recorded by him is dated the 27th July. In its proper place I will describe how he came to be sent to Dhárwár.

Mr. Kenned

Mr. Kennedy reached Poona on the afternoon of the 23rd, and was entrusted with the duty of collecting the corroborative evidence in cases in which we had already secured the principal witness. This was his special duty the whole time he was in Poona, but he assisted in recording new information, notably that afforded by Ashtekar and Hanmantráo.

V. G. Deshmukh.

34. On the 24th July I made a report to Government in answer to a request for information about the progress of the inquiries. There was a lull at that time. Mr. Kennedy had only just arrived, and there had not been time, since the resumption of work after Mr. Crawford's escapade, for witnesses to come from a distance. The report, however, foreshadows fresh and important revelations. On Sunday the 22nd July V. G. Deshmukh, who was treasurer at Ahmednagar, had visited his friend Kalavde in Poona. He had then consulted another friend, Dr. Vishrám Ghole, and gone with him to see Mr. Bhimbhái. Mr. Bhimbhái was not at home and Deshmukh then went to see Mr. Pendse. In the evening Deshmukh again went to Mr. Bhimbhai's and found him at home. Mr. Bhimbhái was inclined to distrust

Deshmukh because he was a friend of Kalavde's, and told him to go back to Nagar, that he, Mr. Bhimbhái, would inform me of his wish to give evidence and, if I thought fit to send for him, he would be summoned by telegram. Mr. Pendse thought Deshmukh meant to make a clean breast of his connexion with the business of the agencies, and I was not disposed to throw away any chance of adding to my knowledge of Mr. Crawford's methods, so I sent a telegram to the Huzur Deputy Collector of Nagar, summoning Deshmukh. There is reason to suppose that Deshmukh had consulted Mr. Shankar Pándurang Pandit, and followed his advice in offering himself as a witness. I took Deshmukh's statement on the 25th. He was as straightforward and outspoken as a man could be, and it appeared to me that he had calmly surveyed the position, and made up his mind that the best policy was to disclose everything. There was no appeal to conscience or sentiment of any sort; he was actuated by pure self-interest. I have not detected him in any falsehood, either of concealment or exaggeration. He has never attempted to put any false colour on his acts; he admits he was simply an agent for extorting bribes from Mámlatdárs. He made an urgent and somewhat pathetic appeal on behalf of his friend Kalavde. This statement at once opened a fresh field for inquiry; but at the same time I felt some qualms about having admitted such a man as Deshmukh to the amnesty. I went to the Chief Secretary, described Deshmukh's case, told him that this witness was the first about whom I felt any misgiving in having offered the guarantee, and consulted him as to the propriety of continuing to hold out the guarantee in every case. The result was that the collection of information and evidence was considered of paramount consequence. No witness has appeared since then who can be said to have earned the guarantee by the truth of his statement, who has confessed to being implicated in the corruption to anything like the same extent as Kázi Abbás and Deshmukh.

35. Deshmukh's statement opened a new store of information. It has been corroborated in numerous* cases, and in no case, proved to be false. It is true that some† of the Mámlatdárs who made their payments through Deshmukh have denied the acts. One of these Mámlatdars, however, Bindu Gopál, was convicted of falsehood in regard to the money dealings which led up to the payment. Another I recall is Bhat, whose demeanour when I examined him proved him to be telling falsehoods as clearly as demeanour can. Other two Mámlatdárs who paid through Deshmukh
Kalavde. were Ganesh Ballál Mulekar and Bálkrishna Narhar Dáni. The suspended Mámlátdar Kalavde had a hand in negotiating all these four cases, and it is to his influence that the denials are to be attributed. Hanmantráo has corroborated Deshmukh in every particular, including Kalavde's connexion with these four bribes.

'ublic inuiry in full wing.

36. In the course of the next few days the work became rapidly heavier. Mr. Kennedy was busy with the corroborative evidence, and the information as it accumulated kept opening up new lines of inquiry. The Mámlatdárs mentioned by Deshmukh began to come in. I had, as described, instituted inquiries in Dhárwar by calling Mr. Rudragauda up to Poona and giving him personal instructions. These began now to bear fruit in information on various cases which I began to receive from Mr. Spence. Through Mr. Spence a great deal of the very strongest confirmatory evidence of a general sort was collected from first to last, though the cases were of too remote date to be brought forward when we had so much that was more recent to place before the Commission. Mr. Lucas began at this time to assist in recording statements, though I still retained in my own hands the business of taking the original statements in new cases, and such statements as added to the stock of general information of an important kind.

Kázi Abbás.

37. It will be remembered that on the 20th July I had taken the statement of Kázi Abbás. This man was one of the principal agents in working the Watan vein in the Central Division. He had been educated in this trade by Spiers in days gone by, when that gentleman was one of Mr. Crawford's chief agents in the Southern Division. In the year 1883 Spiers came under grave suspicion of being engaged in such business for Mr. Crawford, and was transferred as Sub-Registrar from Poona to Dhulia. This crisis caused a temporary estrangement between principal and agent, or it was thought politic to keep themselves apart for a time. Spiers, being removed from Poona, the centre of the Crawford agencies, found difficulty in communicating with his clients from the south, and with Mr. Crawford also. Kázi Abbás seems to have got promotion

* 1. R. G. Mangrulkar; 2. W. R. Patwardhan; 3. K. V. Bháve; 4. Y. B. Támbe; 5. Janárdan Eknath; 6. V. R. Kelkar; 7. H. R. Patwardhan.

† 1. G. B. Mulekar; 2. N. V. Bhát; 3. B. N. Dáni: 4. Bindu Gopál.

to fill the gaps thus caused, and to have gradually become a more and more important personage, until, during Mr. Crawford's tenure of the Central Division he was a direct agent.

I have said Kázi Abbás was not very reliable either as an informer or witness, but what he told me on the 20th July of bribes taken in many watan and other cases has been corroborated by witnesses and documents. I have no doubt that he has a great deal more to tell, but he would always profess bewilderment when we tried to lead him beyond the cases which he had determined to disclose.

Dulekhán.

38. The dismissed Chief Constable Dulekhán whom I have mentioned, through whom Hari Náráyan made his approaches to Abbás, had been employed in the police of the Nagar District. His father had done good service and been respected by the Government and British officers. The family belonged to Nagar and had a house there, and Dulekhán himself had a wide acquaintance throughout the district. My information showed that the subordinate services were so saturated with Mr. Crawford's corruptions that the constituted officers were not to be, as a matter of course, trusted in any inquiry, and my agents had always to be most carefully selected. Though Dulekhán was in some respects a not very respectable emissary, still, considering that we were fishing in very dirty water, I thought him suitable for the work. So Dulekhán was despatched into the Nagar District with a list of the watan cases in which he was to endeavour to induce the giver of bribes to come forward. This was within a very few days of Mr. Crawford's suspension.

Sangappa.

About the same time I summoned from Sátára Police Inspector Sangappa, who had served a long while in that district and had therefore made a large acquaintance. Unlike Dulekhán he bore a good character, and I had reason to believe that he was less corrupted than the majority of the police, and was therefore reliable for the special duty. He also was furnished with a list of the watandárs whom he was to approach.

Watandárs.

39. In the early part of these notes I have explained why watandárs should be very disinclined to become witnesses. This class of persons is unaffected by the sense of duty and fear of punishment which, there can be no doubt, influenced many Government servants who found themselves confronted with evidence of their payments. It is not therefore surprising that Dulekhán failed in his mission completely, and it is probable that the failure was in great measure due to his position and known character, neither of which was such as to induce witnesses to trust him or his assurances. But the prime reasons were evidently the strongest, since the same difficulty in securing witnesses was, as the rule, experienced in all parts of the country. It is not necessary to lay stress on a specjal obstacle which, I believed at the time, stood in the way in the Nagar District. Sangappa was more successful in the Sátára District, and brought forward the watandárs in one case.

Solicitor to Government called in.

40. I have now given a general sketch of the inquiries up to the time when the Solicitor to Government was called in on the 26th July. Hanmantráo, who was arrested on the 16th July, had been in custody ever since. He had offered bail which had been rejected. He had applied to the Sessions Court for a reduction of his bail, and that application had also been unsuccessful. Finally, on the 28th July, he was released on furnishing satisfactory security. His case was to come on on the 31st July. It was not possible to prepare the brief before that date, and the corroborative evidence in the cases selected for trial had not yet been collected, if I remember rightly. Mr. Jardine came up to Poona and there were one or two days of consultation. The result was that when Hanmantráo's case was called on the 31st July Mr. Little appeared under instructions from Government to apply for an adjournment. Since Hanmantráo was on bail, the magistrate granted adjournment until the 15th August.

Hanmantráo

41. Hanmantráo, in his statement made on the 20th August, describes an event which occurred after he left court on the 31st July, and is not without interest in reference to his connexion with Mr. Crawford. He states that he addressed a letter on that day to Mr. Gangárám Bháu Mhaske, Mr. Crawford's pleader, repudiating his connexion with that officer in illegal practices. Hanmantráo gave the letter to Shridhar Vithal, and it is still in that person's possession. Hanmantráo has since stated that the letter was written at night at Mr. Crawford's bungalow on the 4th or 5th August, and antedated to make it appear that it was written before Mr. Crawford's case came on. Hanmantráo supposes that Mr. Crawford got him to write this letter to prevent him giving evidence against Mr. Crawford.

42. The proceedings connected with the criminal information laid against Mr. Crawford on the 18th July had been adjourned to the 1st August. On that day the Chief Secretary informed me, by his letter No. A-24, that Mr. Little had been instructed to apply for an adjournment, that Government would not be prepared to apply for a further adjournment, and that his Excellency the Governor in Council trusted I should be able to put the Solicitor to Government in possession of the materials for Mr. Crawford's trial within the period of adjournment that would now be granted. The proceedings in the District Magistrate's Court that day resulted in an adjournment for a fortnight.

Solicitor's work.

43. Mr. Little now set up his office on my premises, and the preparation of briefs for the prosecution of Hanmantráo and Mr. Crawford was added to the general work of inquiry in which I would allow no appearance of abatement. The show of vigour was necessary in face of the opposition which was going on out of doors, and to confirm the minds of witnesses who had already come in as to the determination of Government to push the inquiry to the utmost. It is probable that in any other but the extraordinary conditions under which we were working the cases already in our possession would have been considered sufficient for the purposes of prosecution, and that the further inquiry would have been directed to discovering, in the general interests of the administration, how far the demoralisation had spread. Early in August I went with Mr. Little to Bombay, under orders of Government, to consult the Advocate-General and Mr. Jardine, and the result of that discussion was that Government was advised to proceed against Mr. Crawford by Commission, under Act XXXVII. of 1850. This is a material incident in the history of the inquiry, since it began at once to assume a wider scope.

Mámlatdár witnesses.

44. I still continued, as far as I could find time, to take fresh and important witnesses myself. Such were Mangrulkar, Soman, Bápat and Dabir. Bápat had been suspended at the same time as Mr. Crawford, but I had for some time ceased to regard him as the mischievous person I had represented him to be in my report to Government of the 15th July, on the information then collected. He was not an agent of Mr. Crawford's, and his case was not worse than that of many other Mámlatdárs whom I had admitted to the general amnesty. To the best of my recollection I accepted him as a witness under the guarantee without any further reference to Government, since his statement appeared to be true and complete. Mangrulkar is the only deserter from the party banded together under Kalavde. Soman is a respectable old man, whose acquaintance I made in Khándash some 13 or 14 years ago. The English officers in that district always regarded him as a good and honest specimen of the old type of Mámlatdár. Dábir's is one of the cases that approaches most nearly to voluntary bribery, but it owes its flagrancy, as compared with that of other cases, in great measure to the straightforwardness of his own statement. The cases which he mentions in his evidence—those of Joglekar, Hiráji Frámji, and Patwardhan—are of the same description as his own. He is a young man, anxious to get on, but he would seem to have been encouraged to seek Hanmantráo's assistance by his father-in-law and other friends of mature years at head-quarters. Neither in the course of the inquiries, nor under examination as a witness, did Dabir exhibit any shiftiness or desire to give a false colour to his acts. He seems, to my mind, to have resigned himself to tell the simple truth.

Consultation with Counsel. Mr. Baines.

45. In the month of August inquiries were being carried on in such a variety of directions that I must abandon all attempt to give a concurrent narrative of them. The important events at head-quarters should first be mentioned. Immediately after Mr. Little and I returned from our consultation with the Advocate-General and Mr. Jardine in Bombay, about the 7th August, Mr. Baines was deputed to assist in the inquiries. He first visited Bombay and made an attempt to learn something about Mr. Crawford's financial arrangements there. This expedition produced no result of importance. He then sat down to work with Mr. Little and Mr. Lucas in collating information, arranging material for cases, and briefing evidence. On the 10th August Government issued an order to the Commissioners, C. D. and S. D., to furnish immediate report regarding all appointments made by Mr. Crawford of dismissed persons, and all that appeared to be unusual or in supersession of good and qualified officers. This measure seems to mark the intention of Government to enlarge the area and scope of inquiry with a view to Mr. Crawford's trial by Commission. On the 13th August the Honourable the Members of Council and the Chief Secretary met Mr. Kennedy and myself to discuss the state of the inquiries in special reference to the charges to be

preferred against Mr. Crawford before the Commission. Notes of the meeting were taken down by Mr. Kennedy and are on my records. They direct me to open communication with the editor of the "Poona Vaibhav," who had made pretty outspoken charges of bribery, understood to be directed against Mr. Crawford, in the issues of his paper dated September 1886 and February 1887, and to ascertain from him the sources of his information. The reporter on the Native Press was to search for similar articles in his records. Mr. Little was to be furnished with the Government orders relating to indebtedness of officials. Inquiry was to be made as to Mr. Crawford's debts. Comprehensive heads of charge were formulated. With a view to putting a check on the intrigues of the opposition, I was directed to report on Mr. Kalavde's connexion with Hanmantráo and the corruptions generally, and on the interfence he was understood to be exerting to prevent witnesses coming forward. It was decided that the Commission could not sit elsewhere than in Poona. This brings us up to the time when the trial of Hanmantrao began, in which the general interest now centred. Discussion in view of Commission. Council.

46. Early in August a fresh attempt was made to get evidence in watan cases from the Sátára District, where Police Inspector Sangappa had not done much, and it was now determined to send the Mámlatdár Thakár there. He had served some little time at Válva and was, as I have said, held in general respect. Mr. Thakár accordingly started, and in a few days returned with complete information in the Válva watan cases which were subsequently put before the Commission. Watan cases.

The Nagar District, where there were numerous cases in which it was notorious that bribes had been paid, was still untouched. Dulekhán had failed. He reported local opposition, but he was not a man to be relied on, and I took steps to test his information before making any fresh effort in that direction.

About this time I despatched Ráo Bahádur Káshináth Lakshman, a police inspector who had served all his life in the district, to Khándesh, to approach the witnesses in other cases about which I had received good information. I expected success in this direction, but the mission produced no results in the shape of witnesses, though the Ráo Bahádur seemed to work hard for a couple of months. The failure here, as elsewhere, in this particular class of cases is to be attributed to the fact that the inquiries were not conducted locally by European officers. Messrs. Lucas and Gamble were, taking all things into consideration, not unsuccessful in Belgaum and Dhárwár.

47. I have mentioned that I had already instituted inquiries at Dhárwár through Mr. Rudragauda. At Belgaum I sought the assistance of the superintendent of police, Mr. Down, and a little later of Mr. Gursidappa Virbasappa, the deputy collector. The former had had a good deal to do with Mr. Crawford at Ratnágiri, and is a shrewd and patient officer. I believe he had had an open rupture with Mr. Crawford on account of the latter trying, when Commissioner S.D., to force men upon him for appointment in the Police force under his command. Mr. Gursidappa I knew only by reputation, and I think the Honourable Mr. Ritchie advised me to try him. I threw out feelers to various collectors and other officers, but though every one did the thing I asked and gave me the morsel of information I was in immediate want of, no one appeared to be inclined to prosecute inquiries actively and independently, with one exception. It was impossible for me to conduct operations from many centres, and I therefore abstained from worrying the district officers and myself with fruitless correspondence. The exception was Mr. Spence, and it is probable that, but for the encouragement afforded to me by his assistance, and the good effect produced on the country round by his activity, I should have collected very little evidence of Mr. Crawford's doings in the southern division; even Mr. Keyser, who had gained experience of Mr. Crawford's methods in Kolába, and was anxious and had even taken some steps in Poona to expose them, was unable to give me assistance on any considerable scale, from his new district Sátára. S.M.Country inquiry. Mr. Spence.

48. On the 15th August Mr. Spence took a statement from Mr. Bábáji Lakshman Sáwant, first class subordinate judge of Dhárwár, in which that gentleman admits having lent Rs. 13,000 to his son-in-law Bápusáheb Ghátge to enable him to lend a sum of Rs. 23,000 to Mr. Crawford. No acknowledgment of these debts was taken either by Sáwant from his son-in-law, or by Bápusáheb from Mr. Crawford. My information is that the whole sum was a bribe paid by Sáwant himself to procure Mr. Crawford's support in his aspirations to become Regent of Kolhápur. It was paid through Spiers, and notwithstanding their denials, I believe that Mr. Mudukrishna Mudliar and Mr. Kupuswámi Mudliar were accessories to the transaction. From letters written to me at this time both in Poona and Belgaum I find that this case was some days in coming to Mr. B. L. Sáwant.

a head in Sáwant's admission, and I have little doubt that Spiers knew of Sáwant's statement to Mr. Spence as soon as or sooner than I did. It is with this case especially that I connect an extraordinary visit paid to me by Spiers on the morning of the 16th August, but I cannot in my own mind dissociate Spiers' conduct from some design to entrap me, who was conducting the inquiries against Mr. Crawford, into some indiscretion. Mr. Spiers is an old man with one leg and a truculent temper, and therefore when I was informed at the breakfast-table that he had driven to my door and was abusing my people because I delayed to receive him, I was prepared for mischief. Messrs. Little, Lucas, and Cotgrave, were with me and I asked them to witness the interview. As I expected, Spiers was violent, and after accusing me of having had his carriage dragged into my compound, he drove off, saying "You're a damned loafer, that's what you are." I allowed him to go after a little explanation, and compelled him afterwards by threat of criminal proceedings to apologise for his unwarrantable intrusion and abusive language. Mr. Spiers was not drunk, and therefore I think the incident worth mentioning, as illustrating this gentleman's hardihood the strong opposition with which my inquiries were being met in Poona itself.

Mr. Spiers.

49. We are now in the middle of August, and Hanmantráo's trial has been going on for one or two days. On the 18th I addressed a letter to Government in which I find myself stating that the inquiry has assumed dimensions which made it impossible for me to exercise sufficient control over all its processes. I made proposals for distributing the work among the various officers employed and asked for further help to prosecute inquiries in the southern division, insisting on the necessity of not allowing the public to think that there was to be any abatement in the vigour of the inquiry. I sought, no doubt, to shake off some of the burthen of work and responsibility that had been steadily accumulating on my shoulders for two months past, and to confine myself to the duty of original inquiry. Government, however, did not see the necessity for a formal distribution of the work, and placed Mr. Baines and Mr. Gamble on special duty to assist me.

Distribution of work.

Mr. Gamble.

Mr. Gamble is a junior officer, but I applied for his services because I considered him like Mr. Lucas, suited to the special work. I knew him to be extremely painstaking and hardworking, even to laboriousness. I could trust his discretion and knowledge of the people in the district where I wished to employ him, to prevent his making mistakes. The necessity that the officer should be familiar with Kánarese also left me little, if any choice. Mr. Gamble came straight from boardship to my office about the 22nd August, and I prepared him for the work he would have to do independently by making him take a share for a few days in recording statements and assisting in the inquiries which were going on in my office.

Bhor case.

50. About the middle of August an important step was taken in connexion with the Bhor case. A good deal of information had been collected, the important part played in the transaction by Cáda Phatak was known, and since a Native Chief was concerned the Secretary to Government in the Political Department was interesting himself in the inquiry. Dáda Phátak was about to return to his post of Head Clerk to the agent for Sardárs, from Bhor, where he had been acting as Kárbhári. He was to be approached, and I think the Honourable Mr. Richey gave me advice as to the way in which it was to be done. I called on Mr. Candy, agent for Sardárs, told him he would receive a letter from Mr. Lee-Warner sending for Dáda Phátak, and asked him to speak to Dáda Phatak, so that he should go to Mr. Lee-Warner with his mind free of alarm or suspicion. The object of Mr. Lee-Warner's summons was not described, and if any hint casually fell from me in the course of conversation it was accidental. From that time forward I had nothing to do with the Bhor inquiry, except some time afterwards to convey to Mr. Lee-Warner information I received that the Chief himself was meditating a sudden visit to Poona.

Bombay police.

51. The narrative of the inquiries would not be complete if I omitted to mention that I made overtures for assistance to the Commissioner of Police, Bombay, in discovering Mr. Crawford's dealings in that city. This was in the beginning of August. The correspondence that followed did not encourage me to persevere in that direction, and Mr. Baines' want of success persuaded me that my efforts would be more fruitful of result at head-quarters. Mr. Crawford's partisans, European and Native, were very strong in Bombay itself, and there as elsewhere, I was fearful of being led into mistakes which would not only cause waste of time, but might create a bad impression of the manner in which inquiries were conducted, on the mind of the Court that should eventually try Mr. Crawford. The Commissioner of Police wished me to send him

the peon who accompanied Mr. Crawford to Bombay in June. This was Daulatkhán, one of Mr. Crawford's most trusted menials, whose removal roused his special indignation at the time of his suspension. The man had been sent to Sholápur and Mr. H. Woodward had tried to get information from him there at my request, and failed. After deliberate thought I preferred not to submit him to the manipulation of police who were not responsible to myself. Intrigue and counterplot were at work from the beginning to the end of the inquiry, and I had to take count of them in all my doings.

Jath case.

52. During this month information had been coming in in various ways about a payment of a considerable sum made to Mr. Crawford by the Chief of Jath. Anonymous complaints about the Chief's mal-administration would be accompanied by hints as to the way in which appointments under the political agents of Sátára and Bijápur had been manipulated by Hanmantráo, and suggestions were thrown out as to entries in the State account which would corroborate the payment. I collected some information regarding the appointments and a suspicious remittance of a large sum of money from his capital to the Chief of Jath when he visited Poona a year or two before. Inquiry, however, was rendered difficult by the fact that the political superintendence of the State of Jath had recently passed from the collector of Sátára to the collector of Bijápur; the present authorities were at Bijápur, while the information of a past time relating to the bribe was to be expected from Sátára where Mr. Keyser had not yet made himself familiar with the personnel of his establishment. To assist in the inquiry it was determined to send for Mr. Bhárdi, a Mámlatdár in the Sátara District, now deputy collector, who had formerly been Kárbhári at Jath. The Honourable Mr. Richey suggested the employment of Mr. Bhárdi, and Government were urgent in pressing on this particular inquiry. Mr. Bhárdi arrived on the 23rd August and impressed me very favourably, but I found that he had no personal knowledge of the alleged bribe. He could have been sent to Jath to inquire and examine the accounts. He might also have been employed to make some inquiries in Poona where a certain Shankarbhat was constantly to be found. But either sort of inquiry would have put the Chief and his advisers on the alert. The estimate I had formed of the situation led me to expect that any alarm would cause the Chief to deny the payment and lead to the destruction of all evidence. The Chief's confidential servant was the above-mentioned Shankarbhat, an astute and unscrupulous priest who had absolute control over him and the State affairs, and had been the principal agent in paying the bribe. If the Chief could be approached without having the opportunity of consulting Shankarbhat and his other followers, he would probably tell the whole story. I therefore determined to send Mr. Gamble to Mr. Ebden at Bijápur that they might together make a descent on Jath and hold a prompt local inquiry.

At this juncture Mr. Ebden wrote to Mr. Nugent, that Mr. Richardson a Government pensioner and Kárbhári of Jath, had passed through Bijápur on his way to Poona. I inquired for Mr. Richardson in Poona, and having found him we had an interview. Mr. Richardson gave me nothing of the nature of evidence, though he confirmed the rumours of the payment. I unwarily hinted to Mr. Richardson that the expedition was in contemplation to Jath, and to no other cause can I trace the fact that the State Vakil started from Biájpur to Jath in advance of Messrs. Ebden and Gamble. Mr. Gamble left Poona for Biájpur that same evening. Mr. Richardson met Mr. Ebden in December and told him that he was in Poona in September 1886, and having learnt that a large sum of money had come from Jath for payment to Mr. Crawford, he made inquiries about it. Mr. Richardson excused himself for not having mentioned this to myself and Mr. Ebden at the time we were inquiring by alleging that it had escaped his memory. This excuse is hardly credible. The expedition was unsuccessful, the Chief denying the payment and no evidence of importance being collected, Mr. Gamble visited Bágalkot to follow up some information on other cases which he picked up at Bijápur, and in a few days returned to Poona. One of these cases is that of Gururáo Krishna, No. 66 in the Statement.

Pitámbar Joshi.

53. On the 25th August an event occurred which is important, since it led to our getting a footing as it were in Hanmantráo's house. Pitámbar Joshi is the son of a pleader at Dhárwár. He had a place in the establishment of the Educational Inspector, S.D. but took leave and came to Poona to study. Here he fell in with Hanmantráo, who also comes from the Kánarese districts. He became intimate with Hanmantráo and finally lived with him and was provided by Hanmantráo with a place in the Commissioner C. D's office. Hanmantráo made his statement before Mr. Vidal on the 20th August and showed that Pitámbar was on intimate terms with him. In a couple of days Pitámbar's father learnt this and at once came to Poona to get his son out of the danger that seemed to threaten him. He came to me and told me

his story, which I find recorded under date the 25th August. He wished to take his son away and I did not dissuade him. Accordingly Pitámbar and his father left by the evening train for Dhárwár, Hanmantráo being present at the station to see them off. A day or two afterwards a telegram came from Dhárwár, which said that Pitámbar was prepared to make a statement. Mr. Lucas was about to start for Belgaum to gather together materials that had been collected there. I directed him to go first to Dhárwár and be prepared to question Pitámbar when he should make his statement before Mr. Spence, and thence to come back to Belgaum, making one or two specified inquiries on the way. Pitámbar made his statement to Mr. Spence, Mr. Lucas being present. I subsequently sent for him to Poona, and from time to time got important information from him on many points. He has made himself useful as a clerk for work connected with the inquiry, and I have found it convenient to keep him by me in that capacity.

alavde. 54. About the time of Hanmantráo's making his statement on his trial an event occurred which has acquired importance from the fact that it was made use of by Mr. Crawford in his defence. Mr. Kalavde, the Mámlatdár of Haveli, had been suspended on the 16th July because he was very intimate with Hanmantráo, and the general information corroborated by the Vinze case raised a very strong presumption that he had acted as a bribe agent. His father was Vakil to the Akalkot State and Kalavde himself was brought up at Sholápur. He served in various offices in that district, was at one time a clerk on the collector's establishment, and at another Awal-Kárkun at Málsiras. He is said to own a house at Sholápur. Deshmukh has shown that Kalavde's agency was carried on mostly in the Sholápur district. These things caused me to credit information I had received very soon after the 16th July that Kalavde had paid a hurried visit to Sholápur directly after his suspension. The information came from various sources, but no direct evidence of the fact was obtained and no determined effort made to get it. Among others the collector of Sholápur reported spontaneously to the Officiating Commissioner, Mr. Moore, that he had been told that Kalavde had made this excursion, because he thought the Commissioner ought to know it. I do not doubt that Mr. Allen's information was true, and the attitude of the Mámlatdárs Mulekar, Bhat and Bindu Gopál, who according to Deshmukh had made their payments through Kalavde, confirmed my opinion that he had exerted himself to keep his party together.

One or two days before the 20th August, Kalavde came to my house in the morning, as I was informed by my peons, and went away again as I was out. On the 20th August he came to me with a note from Mr. Nugent. He tried to argue about the legal position of the Mámlatdárs who confessed to having bribed Mr. Crawford, but I would enter into no discussion of the point. After some further conversation I dismissed him, saying I would send for him again. I was very distrustful of Mr. Kalavde, but at the same time I was not sure that he did not wish to offer himself as a witness, so I consulted Mr. Nugent about allowing him to come in, and was told to use my discretion. In a day or two I sent for Kalavde, but my time was fully occupied all the afternoon, and I did not talk to him till evening. Then I told him I would see him at 9.30 or 10 p.m. if he liked. He seemed from some hesitating objections he made to be nervous about coming to me at night, so I fixed 12 a.m. the next day for our interview. When I called him into my room the next day it was pointed out to me that one or two friends of his were sitting outside my door. I turned these men out, and became more suspicious of Kalavde than ever. I told him that he was the only man who had thought it necessary to take these precautions in visiting me, and I requested Mr. Gamble to be present at our interview. Again my attention was drawn to the fact that he had posted his tonga some 50 or 80 yards off, and that the driver, leaving the ponies facing the high road, had taken up his position on the back seat so as to command my door. This increased my distrust of Kalavde. I was angry with him and let him know it. Our conversation resulted in nothing. I charged him with being an agent of Mr. Crawford's in direct terms enough, and he denied it. I have mentioned the facts which caused me to be suspicious of Kalavde, but there is room for further explanation. His conduct was a contrast to that of all the other Natives who had visited me, even of those who denied payments. These had promptly communicated the fact of their denial, as I believe, to Mr. Crawford next door, for Mr. Crawford was peculiarly well informed at this time of all that went on in my house. But they had none of them shown distrust of myself or done anything which could lead me to suspect that they had any treacherous design. Mr. Spiers alone had tried his experiment a few days before, and when I found Kalavde had posted witnesses, I believed, and I still believe, that another trap was laid by the enemy on a different plan.

55. On the 23rd August I drew up the report recommending that the Mámlatdár Bindu Gopál should be suspended. He had been sent for in the early part of the month on Deshmukh's information. I cannot state the exact date on which he made his statement, since the paper has been forwarded to Government. However, he denied having made the payment of which I had information. He was then cross-examined as to his borrowings, and stated that he had never raised a larger sum than Rs. 400 at any one time. This contradicted my information, so I detained Bindu Gopál in Poona with the Commissioner's consent, by ordering him to report himself at the Commissioner's office daily till further orders, and made arrangements to inquire about his borrowings at Pandharpur. Mr. Mangrulkar, Mámlatdár of Sholápur, the only one of Mr. Kalavde's known clients who has come forward, had been detained in Poona after he gave his statement with a view to his being utilised in prosecuting further inquiries in the Sholápur district. I had made his acquaintance years ago in Khándesh and expected assistance from him. He was selected to make inquiries as to Bindu Gopál's borrowings in Pandharpur, and forthwith despatched on his mission. In a few days he returned with proof that Bindu Gopál had twice contracted loans of about Rs. 1,000. One of the sáwkárs who had advanced the money was brought to Poona with his books, and Bindu Gopál was *primâ facie* convicted of deliberate falsehood. He was then reported to Government with a view to his suspension and punishment after departmental investigation. The step was a demonstration against the party of opposition, and a warning to public servants that they would not be permitted, nor was it possible for them, to secure themselves by falsehood. Bindu Gopá

56. On the same day I issued a circular, with the consent of the Commissioners, S. D. and C. D., to all collectors and superintendents of police in the two divisions, requesting them to send me all demi-official or informal letters they might have in their possession in which Mr. Crawford had made or recommended appointments to offices which would ordinarily be in the gift of the officers addressed or their predecessors. Some little corroborative evidence, especially from the Sátára district, was collected by this means. Informal letters.

The Government order of the 10th to the Commissioners to submit reports of extraordinary appointments made by Mr. Crawford began to come in district by district within a few days after that date. There were a great many such appointments, dismissed men re-instated, men appointed over the heads of others in the same department, men thrust from one department into another. All the records relating to these cases had to be collected with a view to testing the propriety of the appointments and Mr. Crawford's motives in making them. It was at this time intended to select the most flagrant of these cases and include them under the general head of abuse of patronage as an article of charge against Mr. Crawford. With this object some 10 or 12 cases were worked up in detail by Mr. Baines. This article of charge was, however, eventually abandoned, but the records connected with this branch of the inquiry are extant. Extraordinary appoin ments.

From first to last I had a good deal of correspondence with the Post Office, but the details are not important. No record whatever relating to registered letters is preserved beyond one year, and corroborative evidence of the best sort in numerous cases had thus disappeared. On the 31st August I addressed a letter to the Chief Secretary applying for information from the Kirkee Post Office regarding registered letters despatched by Mr. Crawford, his butler and his clerk in the Portuguese Treaty office, Barjorji Pocháji, and registered letters addressed to Barjorji Pocháji, for as far back as records were available. This elicited very valuable information, which was of use in the subsequent stages of the inquiry and trial, showing as it did when taken with other evidence, that Mr. Crawford had made large remittances from Poona to Bombay in the previous eighteen months. I shall have to make some further reference to this information in connexion with Barjorji Pocháji. Registered letters.

57. It will be convenient to review the state of the inquiries at the close of August. All the principal witnesses in the cases which went before the Commission, except those named in the margin* had been examined. Of these Dámle and Patwardhan had expressed their readiness to make statements, but their cases were not very strong. Khárkar's payment was known to others at the beginning of the inquiry as he made no secret of it with the other witnesses, and I had strong suspicion that he had paid. But he gave me very great assistance, and I therefore preferred not to question him on Commission cases.

* N. B. Dámle, W. R. Patwardhan, R. G. Támbe, B. M. Khárkar.

the subject. In other cases I have followed the same course, and thereby secured more cordial assistance than I should have done if I had pressed home all the cases that came to my knowledge. Still I wished to learn the true facts about all persons who came near me, and some hints I threw out about Khárkar with this object happened at a later period to be simultaneous with an agitation among the Bráhman witnesses on account of the Parbhus being allowed to remain in the background. Khárkar then came forward and wrote out his own statement for Mr. Little. Weak as his case was, it was thought politic to include it among the charges. Támbe came forward at a later date, probably, poor man, with some idea of recovering his money. The table attached shows in what other cases the principal witnesses had been examined. Gururáo Krishna's widow had made a statement to Mr. Gamble in Bijápur, and this is the only case in the southern division, besides that of Bápu Sáheb Ghátge or Sáwant, in which the principal witness had been secured by the end of August. Mr. Spence had been working hard, but had not secured any other witness of first importance, though he had got information in many cases. In Poona also investigation was being made in many miscellaneous matters beside the cases which appear in the table. The inquiry into improper appointments also was being industriously prosecuted at head-quarters.

About the 1st September some guests came to stay with me, and I had to pitch a tent as my premises would no longer afford sufficient room for all the work that was going on. The tent was standing about a month and was used by various officers at different times. I think it worth while to mention the fact, as a witness in the Commission suggested that the tent was a torture chamber, and the Commissioners thought it worth while to question me as to its uses.

oona aibhav.

58. It will be remembered that on the 13th August I was directed to communicate with the editor of the *Poona Vaibhav*. I accordingly wrote to the resident at Baroda, where I heard Mr. Kelkar was stopping at the time. He had some little hesitation, I think, about coming to me, which will be understood when the whole of this story has been perused. But eventually he did come. I found him a pleasant-mannered little man, and at first expected a good deal of assistance from him; but subsequently it appeared to me that he had been nobbled by the opposition. He put me in the way of finding out the true story of the loss and recovery of Ashtekar's papers, which I shall tell further on. It will be convenient that I should first describe Mr. Kelkar's own experiences, when he ventured some years ago to throw out hints in his paper of Mr. Crawford's corruption.

On the 8th July 1883 there appeared in the *Poona Vaibhav*, a Maráthi paper, an article headed "Dubalyá Rayatechá Khadatar Kál, No. 1," which I translate, "A time of harassment for the poor subject, No. 1." In the following number of the paper, a weekly publication, appeared No. 2 under the same heading, These articles were to the following effect:—

8th July 1883.

"Under the British rule, public servants get handsome salaries and pensions after retirement, and therefore they ought not to be corrupt. But, as a matter of fact, many officials, high and low, take bribes. The corrupt officers may be divided into two classes: (1) those whose salaries are small, and (2) those who are handsomely paid. Officers in the first class have the excuse of poverty, but those in the second have no such excuse, and therefore they deserve the highest censure. Poor rayats are often required to go to public servants for business, and if these servants are corrupt, the rayats are compelled to give bribes. Thus these corrupt officers are the cause of the rayat's ruin."

15th July 1883.

* "From the lowest officer in the public service to the highest, every one is corrupt. If the lower officers are asked 'Why do you practise corruption?' they reply 'Because our rulers do the same.' The Deshasth Bráhmans, especially those residing in Belgaum and Dhárwár districts are most corrupt. Our English rulers, instead of setting a good example to the people, show them the way to receive bribes. Some European officers have regularly opened shops to sell Government posts, and there are persons in Poona

*The article appears in the weekly report of the Native Press for the week ending 21st July 1883, page 3.

who have obtained such posts by payment of money. Illegal gratification is demanded also in cases of watan settlements and criminal prosecutions. We don't understand why Government should allow such officers to carry on their trade of corruption."

I have not inquired why Government took any notice of these articles, but I remember hearing a rumour at the time that they had called on the editor of a native paper, under threat of prosecution, to substantiate accusations made against Mr. Crawford, and that the editor had made himself scarce. At that time I was serving in Khándesh. Mr. Kelkar's story is as follows. For six months Government took no notice of the articles, which is probably Mr. Kelkar's way of describing the fact that he absconded. The district magistrate, Mr. Winter, at the end of that time called up the editor. Mr. Kelkar was then at Baroda and did not see fit to appear to answer Mr. Winter's summons. He preferred to go from Baroda to Calcutta, and he wrote to the district magistrate that he would call on him on his return to Poona. The district magistrate wrote a reply, apparently fixing a period within which Mr. Kelkar should appear, which was forwarded to Mr. Kelkar and received by him at Ajmir. Mr. Kelkar telegraphed that he would not appear within the period named by the district magistrate, and does not seem to have put himself out to answer the summons in person. He came to Poona two months afterwards and went to see Mr. Winter at his camp at Lonávla. Mr. Winter apparently questioned Mr. Kelkar about the charges he had made in his articles, asking him whether he was prepared to substantiate them. Mr. Kelkar said that he must consult his friends before answering, and requested two or three days' time for the purpose. The friends advised Mr. Kelkar to apologise, and he accordingly went to Mr. Winter's camp at Khadkála and tendered an apology. The apology itself was, Kelkar says, dictated by Mr. Winter, and it appeared in the issue of the *Poona Vaibhav* of 13th April 1884. It runs as follows :—

" I, S. V. Kelkar, editor of the *Poona Vaibhav*, hereby declare that the article headed 'Dubalyá Rayatechá Khadatar Kál' which appeared in the *Poona Vaibhav* of the 15th July last was inserted without my knowledge and sanction, and that no such facts, as are therein stated, are known to me. I therefore publicly retract the statements and apologise and express my regret for the fact that the article in question was published."

Government, says Mr. Kelkar, were not satisfied with this. The district magistrate sent for him again in Poona, and dictated to him the further apology, which appears in the *Poona Vaibhav* of the 18th May 1884, and runs as follows :—

" *Notice.*

" It is hereby notified that the original article headed 'Dubalyá Rayatechá Khadatar Kál,' which I retracted and apologised for in my paper of the 13th April last, was one in which Government officers were charged with corruption and with selling public offices and in which the Government itself was accused of connivance at the practice."

The *Poona Vaibhav* did not return to the charge until the 29th August 1886, when an article appeared which the editor informs me was inspired by the fact that appointments in the central division were gazetted one week and changed the next. The substance of the article is as follows :—

* " Under the rule of the Moguls, when a man was appointed a Subha, he rode to the place of his appointment on horseback, with his face turned towards the tail of the animal, and the object in so doing was to see if anybody else was coming after him for the same place. In short, under the Moguls, offices were obtained according to the nazrána paid. When a man had obtained an order appointing him a Subha after tendering the necessary nazrána, another would pay a higher nazrána and obtain an order for the same post and arrive at the place of appointment just after the first man had reached it. That was the practice under the Moguls, and who would censure it? But even under the present British rule, practices in vogue among the Moguls seem to be followed. Appointments of Mámlatdárs are made and after eight days they are changed. Nor does there appear to be a rule that places will either be conferred in order or that only those who are known to be competent will get them. As soon as a place becomes vacant somebody from some place comes and seizes it smartly. This state of things has become specially noticeable in this division of late. If, therefore, our clever and much-praised Commissioner, Mr. Crawford, will take this into his consideration, this imputation of disorder of the Mogul type against the Government will easily be got rid of. We also wish that Government would put a stop to this state of things."

* Noticed in weekly report on the Native press for the week ending 4th September 1886, page 5.

On the 6th February 1887 the paper published another article, more outspoken than the last, which Mr. Kelkar said was based on the general reports. It is to the following effect:—

* "English historians say that the crime of bribery is comparatively of less frequent occurrence under the British rule, and this statement is true to a large extent. But it must be remembered that the salaries of public servants under the British Government are larger than under the Mogul and Marátha administrations, and that as the law on the subject of bribery lays it down that both the givers and receivers of bribes are punishable, the offences of this nature have little chance of coming to light. The latter of these two circumstances is the principal reason why few cases of corruption come to our courts. The principal departments, the officers of which take bribes, are the judicial and revenue. In the former the injustice done by the corrupt officer affects, in the majority of cases, only individual parties, while in the latter department a corrupt officer does injury either to Government or to a large body of the subject people. In this department the officers from the village pátil and taláti to the Revenue Commissioner have frequent opportunities of indulging in illegal gratification. The officers below the Commissioners, namely, the collectors and their subordinates, if they are corrupt, will take bribes rather moderately. But if a Commissioner is disposed to misbehave in this direction, he has much scope for the exercise of his evil disposition. He is next to Government in authority, and the people demanding anything from Government must have recourse to him. If in rare cases individuals apply to Government direct, they are informed that Government see no reason to interfere with the orders of the Commissioner. He is therefore virtually the king of the people. He has in his hands not only the power of transferring, appointing, and dismissing Mámlatdárs and other officers, and recommending men for the appointment of deputy collectors, but has also considerable influence in the matter of attaching and releasing ináms, granting remissions and such other momentous questions. It is not therefore impossible for him to make money by dealing in these matters like a trader, for instance, by offering the places of Mámlatdárs, Awal-Kárkuns and deputy collectors for Rs. 2,000, Rs. 1,000 and Rs. 5,000 respectively, by demanding Rs. 1,500 and Rs. 3,000 for giving employment to a man's son and for transferring one to a favourite place respectively, by threatening to transfer an officer to a bad climate if he does not pay Rs. 500, and to dismiss one who has been complained against if he does not pay down Rs. 2,500, and so on. It is a different thing that there are no such corrupt Government servants, but if a high officer has ever a desire of taking bribes, can he not do so under the present law? Not to speak of injury to Government, is anybody acquainted with the harm done to poor rayats? We therefore suggest that the law on the subject of bribery should be revised."

All these attacks were directed against Mr. Crawford's notorious corruptions, and there can be little doubt that if Mr. Kelkar had been properly handled in 1883, and that if Government had at that time shown as much anxiety to discover the truth as to avoid scandal, Mr. Crawford would have been exposed six years ago. The fears that compelled Mr. Kelkar to submit to publish the apology in 1883 have been expressed to me by many persons in the course of this inquiry, and are described with sufficient fulness in the early part of these notes. Mr. Kelkar's story is such an excellent illustration of the effect produced on the Native mind by the attitude of Government in times past that it was impossible to omit it from the narrative of the inquiry.

ss of com- mising pers.

59. Mr. Kelkar put me in the way of getting fairly accurate information about another incident connected with Mr. Crawford's corruption which had assumed various shapes in public rumour. In the early days of the inquiry I received frequent hints about Mr. Crawford's agent, Ashtekar, having lost a quantity of papers and their having been recovered by the search or arrest of a passenger on the railway. It was Mr. Kelkar who sent me the first witness, who had been an actor in the transaction, one Wáman Bálkrishna Jogdev, a man who had retired under a cloud from the Public Works Department. The story is worth recording.

Mr. Crawford's principal agent in the southern division, after Mr. Spiers, was Narsingráo Konher *alias* Dáda Sáheb, called Sháhápurka or Ashtekar. He is a Jághírdár and holds a respectable position in Native society, and he was on the list of nominees for the Statutory Civil Service. He says himself also that he was appointed an honorary magistrate in Bijápur on Mr. Crawford's recommendation. This man had a brother and a nephew who used to live pretty constantly with him. He used to receive notes from Mr. Crawford in connexion with the corrupt dealings in which they

* Noticed in weekly report on the Native press for the week ending 12th February 1887, page 12.

were both concerned. Either his brother or nephew, in order to get a hold over him, purloined a number of these notes, some 15, the witnesses say. This occurred about June or July of 1885. Dáda Sáheb knew that his nephew was the thief, or at least suspected him, so in order to get him away from Poona he caused a false complaint of a criminal offence to be made against him at Belgaum. The nephew, Rámbháu, says that he selected one or two of these letters and attached them to anonymous petitions which he sent to the Private Secretary. It is said that this letter or these letters found their way to Mr. Crawford. I have asked Mr. Hart about this, and he does not remember the circumstance. The witnesses are, however, positive about it, and they account in this way for Mr. Crawford's learning, as he did, that the papers had been lost and taxing Ashtekar with his carelessness. Ashtekar endeavoured to get the papers back from Rámbháu, but Rámbháu refused to restore them unless he was paid Rs. 500 for them. Rámbháu had now to appear before the magistrate at Belgaum, and he entrusted the packet of papers sealed up to the Jogdev mentioned above, with instructions that he was not to restore them unless he received the stipulated sum, Rs. 500. Having done this he started for Belgaum.

In the meanwhile arrangements had been made for intercepting him on the road. Hanmantráo summoned Police Inspector Alsingráo to Hotgi, the junction of the G. I. P. and Southern Mahrátta Railways. The message was conveyed by a peon of the Commissioner. Alsingráo had just returned from Khándesh, whither the Inspector-General of Police had transferred him. He was re-transferred to Bijápur at the very urgent instance of Mr. Crawford, conveyed in letters dated September 1885, which I have in my possession. Alsingráo says he had never at this time met Mr. Crawford or Hanmantráo, but I cannot credit it. Alsingráo went and saw Hanmantráo and received his instructions to search the trains for Rámbháu as they went through Indi. This he did for a day or two. Then Mr. Crawford came through Indi on his way to Bijápur, and Alsingráo with other officers met him on the platform. He called Alsingráo aside and asked him if he had received Hanmantráo's instructions. Alsingráo said that he should find it difficult to carry them out as he did not know the man Rámbháu. Mr. Crawford said he would send Hanmantráo to him, and Hanmantráo accordingly came to Indi. In a day or two Rámbháu was discovered travelling to Belgaum. He was taken out of the train and then and there searched. He had some letters in his bundle, and these were read but were not those which were wanted. A regular Panchnáma was made, ostensibly in connexion with a theft which had recently occurred at Bijápur. The train left and Rámbháu was detained and taken to Mr. Crawford at Bijápur. Thence he was taken by Alsingráo to Poona, and they were accompanied by a chief constable. They visited Jogdev, who said the papers were locked in a box and his wife had carried the key away; but it was arranged that the papers should be sent to Mr. Crawford, and Rámbháu and Alsingráo and the chief constable returned to Indi. Rámbháu stayed with Alsingráo one or two months, and shortly after their return from Poona received intimation that the papers had been despatched. The papers were not however restored without a price; Jogdev was true to his trust and refused to give up the papers to Ashtekar until he received Rs. 500. A money-lender was called in, and Ashtekar signed his book for Rs. 500 and so obtained the money, which was paid to Jogdev. The papers were restored to Ashtekar, who forwarded them to Mr. Crawford at Bijápur. The story is not yet complete. Ashtekar neglected to repay the money-lender and was sued. At the trial he repudiated his signature. The Subordinate Judge reported the disgraceful conduct of Ashtekar, who, besides being a candidate for the Statutory Civil Service, was an honorary magistrate, to the district magistrate. He was handed up to Government, who formally, in a printed resolution, deprived him of his dignity and struck his name off the list of candidates. This story has not been tested in all its details. I tell it from the evidence of some of the principal actors, including Ashtekar and Alsingráo, who were examined at different times, and I have no doubt that it is substantially correct. Mr. Crawford broke with Ashtekar finally from this time and relied on his more able and more trustworthy agent, Hanmantráo.

Ashtekar.

60. Mr. Lucas, who had gone to Dhárwár in connexion with Pitámbar's statement, had been directed to inquire into a peculiar story I had heard when serving in the Southern Division. A certain Mámlatdár used to boast that he was the only Mámlatdár in the division who had got his place without paying for it. The Mámlatdár had himself told Mr. Lucas the story. Mr. Lucas found the Mámlatdár, Mr. Pándurang Náráyanj Deshpánde, at Dhárwár, and his inquiries have, as far as they have gone, completely substantiated the previous accounts. Mr. Deshpánde was

P. N. Deshpánde.

dissatisfied at being frequently superseded, so he addressed a memorial to Government praying for redress, and forwarded it through the collector of Belgaum, in which district he was at the time serving. The collector forwarded it in the ordinary course to Mr. Crawford. There was perhaps a suspicion of insubordination in Mr. Deshpánde's act, and of this Mr. Crawford took advantage. He returned the petition to the collector and expressed surprise that he should have sent it up. At the same time he dictated, or caused to be drafted, an apology to be signed by Mr. Deshpánde. The language of the document appears to me to be Mr. Crawford's own. It is apparently in the handwriting of a pleader of Bijápur, of which there are a great many specimens on the files of the Commissioner, S.D., a man who, I am informed, used to assist Ashtekar in his agency. The document was conveyed to Mr. Deshpánde by the hands of a person who corroborates the story. Mr. Deshpánde adopted the apology with the alteration of only one word "mistaken" for "false," and submitted it, keeping the original document in his own possession. Within a day or two he was appointed a Mámlatdár. The story is capable of proof beyond reasonable doubt, and is a good illustration of Mr. Crawford's methods. There are other instances of his having extorted apologies under somewhat similar circumstances, though I know of none other in which the act was followed by prompt reward.

Mr. Lucas, after making some inquiries about an outstanding debt of Mr. Crawford's at Haliyál, came round to Belgaum and joined in the inquiries which had already been set in train there through Mr. Down and Mr. Gursidappa. I shall not have much more to say of Mr. Lucas' inquiries since none of the cases came up for trial. In following up one case he had to visit Dhárwár again. On this expedition he met with actual incivility from Mr. Bhimáji Gururáo, the special Mámlatdár engaged on the work of assessing compensation for land taken up by the railway. He had reason also to believe that this Mámlatdár was actively obstructing his inquiries. He reported the matter to Mr. Spence and it came on to me, and Mr. Propert at my request removed the Mámlatdár from Dhárwár. There is evidence of this Mámlatdár having himself paid a bribe to Mr. Crawford and acted as agent in other cases.

himáji ururáo.

61. On his return from Bijápur Mr. Gamble took Mr. Lucas' share of the general inquiry work in Poona and the preparation of cases. He remained at Poona until I received a letter from Mr. Spence on the 10th or 11th September, in which he said he had made a great capture of papers and some one must be sent to deal with the mine of information thus discovered. Mr. Gamble was at once despatched to Dhárwár and had a month's work on the Koujgeri and Hullur cases and other inquiries. The papers referred to above furnished complete evidence against Hanmantráo, and contained unmistakable references to Mr. Crawford. Some papers of Ashtekar's were also found on this expedition. Messrs. Gamble and Lucas' proceedings at Dhárwár and Belgaum, together with the course of the trial in Hanmantráo's case, seem to have driven Ashtekar up to Poona. He was living at Poona, where he had a hired house, when Hanmantráo was arrested, and that event made him take flight to Sángli, where he remained for some two months.

shtekar.

On his return in the middle of September he shut himself up in his house and only admitted visitors with precaution. I caused him to be approached by Mr. Mujumdár, a gentleman in Mr. Stewart's office, Hari Náráyan making the arrangements. He would not however trust Hari Náráyan whom he looked upon as a police officer. He was then approached by a friend of his in the Mámlatdár's office. Through this person he made overtures to Mr. Bhimbhái, offering to come forward if he received a written guarantee and had his distinction of honorary magistrate restored to him. He seems to have been in considerable trepidation as to what would happen to him after Hanmantráo's conviction. Mr. Bhimbhái rejected his overtures and would not see him. At that time Captain Wray happened to be in Poona and Ashtekar went to see him, and this visit resulted in his coming to my bungalow. Mr. Kennedy had the first and several subsequent interviews with him. If I spoke to him myself it was not to question him or assure him. I had a great distrust of him, knew how deeply he was implicated in the corruptions, and intentionally abstained from offering him anything in the shape of guarantee. Nor can he be said to have earned it by truthfulness. He never ceased to be extremely crafty. He would make general statements, and he even made admissions in specific cases. But he always seemed to intentionally distort a story so as to make it useless as a case for trial. But there is a great deal of evidence against him. When Mr. Crawford was Commissioner of the Southern Division, Ashtekar was as important a personage as Hanmantráo in later days. He did not however deal as honestly by Mr. Crawford as Hanmantráo did, and this was

the cause of Mr. Crawford's gradual estrangement from him, which culminated in total severance of business connection on the loss of the papers. The story of the loss and recovery of these papers has already been told.

Janjira case

62. At a very early stage of the inquiry attention was directed to the Janjira State, but no very definite information regarding Mr. Crawford's doings there was obtained until Mr. Keyser prepared a memorandum of what had come to his knowledge while he was collector of Kolába and political agent of the State. Within a few days after receipt of that memorandum it was arranged that Mr. Purandhare, who was Kárbhári of Janjira in 1884 when the bribe was paid, should come from Dhárwár direct to my house, and there be confronted with Mr. Keyser, who was to be called in from Sátára. The meeting took place as arranged, but Mr. Purandhare prevaricated, contradicted Mr. Keyser as regards one particular at least, and satisfied both Mr. Keyser and myself by his demeanour, that he was determined not to give a straightforward account of what he knew about the bribe. Some further inquiries were made. The statement of Mr. Sátbhái, who was a servant of the State at the date of the bribe, was taken. Government Resolutions of 1885 and 1886, relating to the administration of the State, which contained references to discrepant accounts, and a third Resolution of 1887 and correspondence leading up to it entirely on the subject of discrepancies in the accounts, were brought together. The whole case was then submitted with a memorandum to the Secretary to Government, Political Department, and I had nothing further to do with it except to secure the attendance of a witness.

Purandhar

There followed another peculiar transaction in the history of Janjira with which Mr. Crawford mixed himself up. The Kárbhári Purandhare entered into partnership with one Krishnáji Joshi of Ratnágiri in the purchase of a block of Khár land, called the Anandikhár. This was improper conduct on the part of the Kárbhári, and I think also the public sale was not a completely clean transaction, since it was conducted by Mr. Purandhare himself. Correspondence passed between Purandhare and Joshi on this subject and was of a sort to compromise Purandhare. Purandhare had offended Mr. Crawford by telling Mr. Keyser of the bribe, and Mr. Crawford, having learnt of this questionable transaction of Purandhare's, endeavoured to get hold of the papers. He searched Joshi's house at Ratnágiri in person, but did not find them. Joshi had a servant, either for general purposes or for the management of the Anandikhár, whose name is Vináyak Kulkarni. Vináyak got possession of the papers and brought them to Poona, and threatened Purandhare's father that he would hand them up to Government unless he were paid a very large sum. Another man, also named Joshi, a superintendent of post offices, seems to have acted the arbitrator between the two. The papers were eventually given up to Purandhare senior, and the sum of Rs. 18,000 was paid down for them, Rs. 16,000 odd in cash and the balance in valuable securities. Vináyakráo was foolish enough to stay in Poona long enough to enable Purandhare senior to lay a plot for recovering the money. Joshi of the post office, I am told, laid information before Mr. Kyte, Inspector of Police, which induced that officer, after some hesitation, to arrest Vináyakráo with all the money in notes in his possession as he drove up to the railway station to leave Poona. Old Mr. Purandhare thereupon made a complaint to the city magistrate, Mr. Plunkett, that Vináyak had committed criminal breach of trust in carrying off the money which had been entrusted to him to be conveyed to Joshi in Ratnágiri. The case was tried and thrown out, and Vináyak applied for the restoration of the money and was about to have it given up to him, when a bailiff attached it on account of a claim which had been brought by Purandhare senior in the Civil Court. The money was lying in the Civil Court till within the last month or two, when the suit was decided in Purandhare's favour, I have no doubt by collusion with the defendant. I am not prepared to say whether Mr. Crawford tried to get any pecuniary profit out of his knowledge of these transactions. He certainly endeavoured to make use of it to wreak his vengeance on Purandhare. He interfered to some extent when the money was lying in the custody of the police for months at the Faráskhána. At some time or other he drafted a resignation of his kárbhárishiip for Purandhare, and the document is, I believe, in that gentleman's possession at this moment.

Pálande

63. An important name in the earliest stage of the inquiries was Anantbhat Pálande. He was one of Mr. Crawford's agents for business connected with watan cases, and had got his son introduced into the Commissioner's office. Overtures came from Pálande through his son, who had been transferred to the Collector's office in the clearing out of the Commissioner's office that followed Mr. Crawford's suspension, offering to make a statement. He did not, however, appear to be willing to tell all he knew and was trying

to find out what information I possessed about him. These tactics were of course met by a refusal to make any terms, and a demand that he should state everything without reserve, before he would be allowed to come in. While this fencing was going on Pálande fell ill. I was anxious to secure his statement in case of accidents, and actually arranged that either Mr. Kennedy or myself should go to his bedside and question him. But on mature consideration it was decided not to take this step as Pálande was not willing to make a full statement, and partial admissions got from a man on his sick bed would not be of much use. He is an old man and his illness was probably due to fright as much as anything else. As time went on he got better, and finding that watandárs were beginning to come in to me, he thought it best to make himself scarce, and has never re-appeared in Poona. His son, I was informed, was interfering with my inquiries, and he was accordingly transferred to Khándesh.

. Lallub-

64. In the month of August, Government had placed the services of Mr. Lallubhái, Personal Assistant to the Customs Commissioner, at my disposal. Mr. Lallubhái is an excellent accountant, and his personal connexion with Natives of Gujarát and others engaged in banking and mercantile pursuits in Bombay and Poona was likely to be useful to me. It was through this gentleman's assistance that certain Márwádis were persuaded to bring their books to me, and by this inspection we gained considerable insight into Mr. Crawford's financial arrangements in Poona. Mr. Lallubhái's inquiries in Bombay did not lead to any very valuable discoveries. He however worked up the information about Mr. Crawford's receipts and payments, which was collected during the inquiries and the Commission proceedings, into a methodical comparative statement, which was most instructive and went a long way to explain the fabricated evidence produced by Mr. Crawford through his witnesses Rámchandra Dátár and Gangádás.

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65. At an early part of the inquiry it was learnt that certain events and disputes in the Akalkot State had been turned to profit by Mr. Crawford. There was a dispute about some State jewels between the Rája and his aunt, and it had found its way in some form or other into the Court of the City Magistrate, Poona. The aunt had produced a will on which she based her claim to the property. The will appears to have been a forgery and the Raja was anxious to get it impounded. The aunt seeing her danger wished to get it out of the possession of the Court. She paid Rs. 4,000, it is said, to Mr. Crawford. Mr. Crawford called up Mr. Bapát, the then acting City Magistrate, and persuaded him to return the will to the lady as a personal favour to himself. In one or two cases in which watandárs of the Akalkot State had disputes with the Chief, they are said to have paid Mr. Crawford for his good offices. The Chief himself had paid bribes to Mr. Crawford in connexion with the recognition of his majority and permission to manage his khásgi estate.

hal
áji.

Mr. Vithal Tikáji, a Mámlatdár on the establishment of the Central Division, of whom all officers spoke in terms of commendation, was Kárbhári of the State. He happened to be in Poona and I sent for him. Before he came to me Mr. Bhimbhái sounded him with a view to discovering what amount of assistance might be expected from him. He denied all acquaintance with Hanmantráo, and it was therefore thought politic to try and get his assistance in the cases in which he was not personally concerned. At my interview with him, therefore, I referred to the will and watan cases. He showed me how by getting the magistrate to re-open the case the Rája would be induced to produce evidence of the bribe given in the will case. This was a step I could not consent to take, and I told Mr. Vithal Tikáji so. Other expedients also were proposed. He then took his leave, and I remained under the impression that I was to receive assistance from him. He had promised to communicate with me, and I waited a long while expecting a letter from him. None however came and I wrote to him asking him to come to me again. He replied that he could not get away from Akalkot as the Ráni was about to be confined, and sent to me a young gentleman whom he called, and I suppose was, the Khásgi Kárbhári. It was evident that this person would give me no help, for he denied his connexion with transactions in which according to my information he had been an actor. The old line of inquiry was therefore abandoned, and I sought for evidence of the bribes which Vithal Tikáji had himself paid for the Rája through Hanmantráo. These were the payments for which Vithal Tikáji was supposed to have received promotion out of his turn. Mr. Soman, a former judge of Akalkot and now a subordinate judge in Kolába, was sent for, and he spoke to a visit paid by Hanmantráo to Akalkot and his meeting there with Vithal Tikáji and Vithal Tikáji's telling him, if I remember rightly, that he had paid a bribe to Mr. Crawford. Mr. Tilak, another judge of Akalkot, corro-

borated the fact of Vithal's acquaintance with Hanmantráo. Other witnesses deposed to Vithal's visits to Hanmantráo's house and his coming to Sholápur when Hanmantráo went there with Mr. Crawford, and his meeting Hanmantráo at that place. These statements were put up with the record relating to the recognition of the Chief's majority and the grant to him of the management of his khásgi estate, and the whole case was submitted to the Secretary to Government, Political Department. Mr. Lee-Warner then sent for Vithal Tikaji, and I received instructions that he should be met at the train, which was to arrive before daybreak, and see no one until he had had an interview with the Secretary. I made the necessary arrangements, and he was given accommodation on my premises until Mr. Lee-Warner could see him. He was sent to the Secretary in due time about 10 am., and confronted with the witnesses, when he asserted, I believe, that the whole evidence was got up by a Bráhman conspiracy. Not long after this the Chief addressed a letter to one of the English newspapers contradicting the reports that he had paid a bribe to Mr. Crawford; but the fact has since then been, I understand, most clearly established. I had nothing further to do with the case except to send a confidential agent, at Mr. Lee-Warner's request, to Baroda to fetch a certain witness.

Barjorji Pocháji.

66. In the list of registered letters from Kirkee furnished by the Post Office, Barjorji Pocháji and his brother Pestonji Pocháji were mentioned. Other information also had established the fact that Barjorji, the clerk in the Portuguese Treaty office, was employed by Mr. Crawford to transact most of his private financial dealings in Bombay. Early in September, therefore, I summoned Barjorji and questioned him. I did not expect any revelations from him, for he is a Pársi, and these people have been Mr. Crawford's supporters and staunch adherents throughout. But since he was a Government servant I could demand that he should tell me the truth about transactions in which the list showed him to be concerned. Mr. Barjorji states that he was a candidate clerk in the Bombay Branch of the Bengal Bank and drawing no pay when Mr. Crawford appointed him clerk to the Portuguese Delegate on Rs. 150 a month. It is ascertained that he had passed none of the examinations which are considered to be recommendations for the public service, and he has no special qualifications. He says he was introduced to Mr. Crawford's notice by his relation Pocháji Sorábji Pocháji, and that this man is his father's cousin and was partner in a firm of general merchants with whom Mr. Crawford had dealings for goods. He does not know whether Mr. Crawford was ever indebted to this Pocháji. In 1885 Mr. Barjorji's pay was increased to Rs. 200 by order of Government. At some time or other, Mr. Barjorji does not remember when, his brother Prestonji lent Mr. Crawford Rs. 6,000 or Rs, 7,000, and the debt was paid off some 15 months before the statement. The exact history of this transaction would be interesting if it were possible to learn it, but unfortunately the secret is with the Pársis. Mr. Barjorji admits that he used to receive remittances in notes from Mr. Crawford and make payments in Bombay. He said that in the previous twelve months he had probably paid away Rs. 8,000 or Rs. 10,000 in this way. At a later period he was despatched to Bombay to get from the people concerned the accounts of their transactions. This, of course, he failed to do. Mr. Moore has since discharged Barjorji as there is not sufficient work in the office to justify his employment. It is as well to recall the fact at this place that there are other instances in which Mr. Crawford has given employment in the public service to the relations of his agents and creditors.

Mr. Narha G. Phadke

67. Kázi Abbás had in his original statement mentioned a bribe paid by Vishnu Balvant Phadke, but he had not told me of the case of Vishnu's uncle, Purushottam, and the share taken in the transaction by Mr. Narhar Gadádhar Phadke, Subordinate Judge under the Agriculturists Relief Act. The story is interesting as showing that all classes took advantage of Mr. Crawford's corruption, and illustrating the difficulties attending the inquiry. The Kázi did not wish to incur the enmity of powerful Bráhmans, he said, when taxed with wilfully concealing Narhar Gadádhar's name. At all events he let fall the facts that Narhar Gadádhar had negotiated these bribes. The First Class Subordinate Judge had to be carefully approached. He would not recognize my authority as the Mámlatdárs did. I accordingly sent interrogatories to the Judge of Ahmednagar and asked him to get Mr. Phadke's answers to them. The questions were of the very simplest kind: Had the Subordinate Judge visited Kázi, how many times, what passed at the interviews, what relations were Purushottam and Vishnu to him, did he talk about appointments to be given to these persons? Mr. Walker's note on the paper is: "Shown to Mr. Phadke at 4 p.m. He states that "he would like to consider whether he is called upon to answer by proper authority

" and whether the questions are sent through a proper channel, and that he would " like to think over his answers. He added that he would answer to-morrow and " took a copy of the questions." The Subordinate Judge's answers then appear on the paper, " (1) I did come. (2) Yes. (3) Sometimes. (4) Abbás boasted of his " powers. (5) Purushottam Bápu is my father's cousin. Vishnu Balvant is my " cousin two degrees removed. (6) I inquired of Vishnu's employment."

This ingenuous Subordinate Judge was summoned through the Secretary to Government, Judicial Department, and his statement to me was of a piece with the discreet answers quoted above. It turns out that Purushottam is his own brother and Vishnu his own nephew, but he himself has been given in adoption into another branch of the family. All three were at Ahmednagar when the interrogatories were answered, but it would be too much to expect the Subordinate Judge to admit that there was any consultation. Purushottam is registry clerk under the Collector of Ahmednagar and lives with the Subordinate Judge.

I examined Purushottam five days after the Subordinate Judge had appeared. He denied having made any payment and did not even know that Kazi Abbas took bribes for Mr. Crawford. The Subordinate Judge then came to Poona and threw out feelers and overtures. The result was that Purushottam wrote to me from Ahmednagar that as a faithful servant he volunteered to make a confession whenever sent for. I replied by telegraph, " If you are sincere come at once." He came accordingly and admitted having paid a bribe, but threw no light on the Subordinate Judge's visits to Kazi Abbás. Vishnu Balvant, whose statement was taken about the same time, corroborated the Subordinate Judge's assertion that he, the Subordinate Judge, attempted to dissuade him from paying, and it is possible there may be found some to believe the story.

ndliars.

68. There can be no doubt that Mr. Mudukrishna Mudliar and Mr. Kupuswámi Mudliar assisted Mr. Crawford to get the unsecured loan of Rs. 23,000 from Mr. Bábáji Lakhsman Sáwant, or, if it sounds better, his son-in-law Bápusáheb Ghátge. Mr. Kupuswámi had been instrumental in getting Rs. 2,000 out of the loan or bribe repaid to Bápusáheb, and I thought it as well to ask him about this. He was visiting Mr. Crawford daily and I therefore approached him cautiously. Two or three letters passed on each side before Kupuswámi came at last to see me. He then told me the most patent falsehood in saying a person brought him Rs. 2,000 for Bápusáheb, but he neither knew who sent the money nor who brought it. He prevaricated on all points and it was evident I could get no truth, much less any help from him. Mr. Mudukrishna I got to come and see me at the beginning of October. While it was evident that he was intimate enough with Bápusáheb, when in Poona, who lived in a house of his that adjoins his own dwelling-house, he denied all knowledge of the transaction. The Mudliars were active partisans of Mr. Crawford's and they could not therefore be expected to give me information.

There were other agents in the grand corruption besides Ashtekar, and Anantbhat Pálande, who fled from Poona on or about the 16th July. Such were Atmáram Mahádev Lingáyat, Balvantráo Godbole and Chennappa Gauda of Ránebennur. Atmárám conveyed himself away into the Nizam's territory, and after some two months of retirement, not wanting in hardship and privation, he turned up at Nagar, half-starved and with a well-grown beard. He has a house at Nagar and his wife seems to have been living there all the while. At Nagar he opened communications with a gentleman who had for years conducted Mr. Cursetji's business at that place. This gentleman is a Brahman of Gujurát by descent, but his family has been settled in Nagar for half a century. Mr. Lallubhái had a certain acquaintance with him through his Gujarát relations, and thus Atmárám was induced to return to Poona, and having been fed and shaved was brought to my house by Mr. Cursetji's Gumásta. Atmárám is not an unimportant personage in this inquiry. He added considerably to my knowledge of Hanmantráo's money-dealings and had been the intermediary in certain cases of bribery. Balvantráo Godbole and Chennappa Gauda have not re-appeared in Poona up to this day.

márám gáyat

nchandra Dátár.

69. Rámchandra Govind Dátár is an agent about whom I had no information at the beginning of the inquiry. It came out in course of time that he had a hand in several watan cases. He appears to have kept himself out of the way for the first two months of the inquiry. I heard of him first when we were busy with the Rui and other watan cases after Hanmantráo's conviction. He was approached through Hari Náráyan and Kázi Abbás. He came to my house on three or four successive days and was questioned by Mr. Kennedy. I had personally nothing to do with him,

except that I addressed a few friendly words to him one morning as I passed him in my verandah. He replied that he had lent money to Mr. Crawford and nothing more. He told Mr. Kennedy—his statement is not available for reference, so I speak from memory—that he had visited Mr. Crawford to recover a debt of Rs. 20,000, and that he had known him for many years. He also made some partial admissions about having taken people to Mr. Crawford's bungalow at Kirkee.

It was hopeless to get any information of value from this Rámbháu, as his friends call him, and he ceased to come to my bungalow. It soon began to be reported to me that he was daily visiting Mr. Crawford with certain persons who were clamouring to have their money returned to them. Whether Rámchandra ever received any payment for these persons I cannot confidently say, but they ceased to visit Mr. Crawford with Rámchandra. They however besieged Rámchandra up to the last day of the Commission proceedings. Rámchandra himself continued to visit Mr. Crawford frequently up to the 9th January, when I ceased to keep a watch over Mr. Crawford's visitors. It is impossible now to disconnect Rámchandra's visits to Mr. Crawford from the fabricated evidence produced by him before the Commission. This witness was sprung upon us quite suddenly, and we had to collect information about him in a couple of days. His evidence before the Commission gives as much of his history as is worth mentioning. I visited Thána myself and endeavoured to get possession of the note for Rs. 20,000 which had been given by Mr. Crawford to Jamnádás Shankarlál on his transfer to the Central Division, as security for the repayment of money he had received in consideration of his furthering a claim preferred by Rámchandra Dátár to the forests of several villages in the Kolába District. I sought the assistance of Mr. Keshavlál Hirálál in this attempt. Mr. Keshavlál had an interview with Jamnádás and informed me that the latter said that the note had been destroyed when the accounts produced by Rámchandra were manufactured. Jamnádás is a man of some repute in Thána and a speculator in ventures connected with land. On the 5th January Mr. Kalavde visited Rámchandra Dátár in Poona, and it seems that the preparation of some petition was discussed. Another informant, who does not know Rámchandra, informs me that he travelled up from Bombay with Kalavde and that Kalavde spoke to some person at a station below Karjat, and that he overheard the words "Tell Rámbháu" clearly. These things are interesting in connexion with Kalavde's and Rámchandra Dátár's attitude before the Commission. Dátár himself called on me a few mornings ago, apparently uneasy and seeking information as to how his evidence was regarded. I can explain his visit in no other way.

70. Since Mr. Spiers' significant visit to me on the 16th August, inquiries had been going forward in the Southern Division, and in several cases Spiers was the agent. He was also the agent in a complete watan case from the Násik District. I received frequent reports of his increasing anxiety, and at one time I was on the point of recommending his prosecution. But work was so heavy that I hesitated to assume a fresh load, and thought that Government also would not be prepared to undertake the case at that time. Kázi Abbás' intimate connexion with Spiers has been mentioned, and he was necessarily acquainted with the course of the cases in which he had assisted Spiers. His loyalty to Spiers caused him to distort his evidence in these cases, and he probably also kept back other witnesses, subordinate agents, such as he was himself in those days. I did not forbid Abbás to visit Spiers, but I designedly maintained an attitude of hostility to that person at the same time. My purposes would best be served by Spiers being regularly cowed. Kázi wanted to bring Spiers in and save him from prosecution. I should have preferred to prosecute Spiers, but putting my feelings on one side, and believing that Spiers could, if he liked, give complete evidence, supported by convincing documents, against Mr. Crawford, I consented to have an interview with him. I thought that by this course Abbás would have an excuse, and a very strong excuse, the less for being a shifty witness. And I hoped also to establish the Sáwant case completely. It would also be an advantage that another strong adherent of Mr. Crawford's should desert that camp. Spiers.

Mr. Spiers was reluctant to come to me, to judge by his breaking his appointment more than once, but finally he did come. He brought some papers, draft petitions and such like, to explain how he made his money, and seemed at first to be intending to deny corrupt connexion with Mr. Crawford. I however gave him clearly to understand that I knew he was a bribe-agent, and had been such for many years. I said also that I believed him to be in possession of documentary evidence that would establish at least one case, and that I would only make terms with him, that is, promise to abstain from proceeding against himself, if he produced such evidence. Eventually, whether

at the first or second interview I do not remember, he admitted his share in the Sáwant business and some other transactions. He gave or showed me a letter of Mr. Crawford's, and subsequently sent others of which I have retained only one, dated 1882, showing that Mr. Crawford was on intimate terms with him and made use of him in his financial difficulties. He said he had no papers connected with Sáwant's or other bribe cases at Poona. It was possible he might have some at Pánchgani, if he was allowed to go and see. I permitted him to go and sent Dulekhán with him to bring the papers. Dulekhán returned with the two or three letters I have described above. It may be noted that he contradicts Sáthe about the paper which Sáthe alleged to be in part an imitation by Mr. Crawford of Mr. Spiers' handwriting. But he confirms Sáthe's account of the interview between Mr. Crawford and Sáthe at his house that led to the reconciliation. As a result of Spiers' visit, Abbás was more liberal of his information about the Sáwant case, but the Commission had come too near to allow of its being worked up; and indeed the material for the Commission appeared to be ample. I will not go into the history of Mr. Spiers' connection with Mr. Crawford. It will be sufficient to note that he made Mr. Crawford's acquaintance first when the latter came to Thána as assistant judge and, as Mr. Spiers says, lived for the most part in Bombay while he held that appointment.

nman-
o's trial.

71. The general account of the progress of the inquiries has been brought down to the end of August. Hanmantráo's trial began on the 15th August and closed on the 24th September. The success of this prosecution was of paramount importance, and a large share of the attention of myself and those associated with me was necessarily diverted from the general inquiries to the proceedings before the district magistrate. Urgent demands for information had to be met, such, for instance, as is contained in Mr. Pendse's famous statements which were first prepared to meet points raised by Mr. Branson. The punctual attendance of witnesses had to be secured, and when here there was need of constant watchfulness to prevent their being tampered with. An attempt was made on the very threshold of the magistrate's court by Merwánji Pleader to intimidate one important witness. Nevertheless the general inquiry was pushed steadily on as the preceding paragraphs will have shown. Mr. Kennedy was hunting up and collecting the corroborative evidence in all cases that promised to be strong enough for trial. This was his special work, but he also took an important share in fresh inquiries. Mr. Baines busied himself with the preparation of the briefs, and made careful scrutiny of the cases of abuse of patronage. This latter class of cases was at one time considered very important, and many instances exhibit startling departures from principle and practice. The view ultimately taken of these cases, however, was that they were really instances of corruption in which the evidence was incomplete, and they were therefore abandoned. I find that I myself took 24 statements in the month of September, nearly all representing new and distinct lines of inquiry. Messrs. Gamble and Lucas had their busiest time at Dhárwár and Belgaum in this month.

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72. Fresh agency was called in for the watan inquiries. Nathu Bápuji, a police inspector of Ahmednagar, was selected for the work in that district and was fairly successful. The Mámlatdár of Purandhar in the Poona district was instrumental in inducing Nánásáheb Dengle, another of Mr. Crawford's agents, to come in. This man is, I am informed, a grandson of the historic Trimbakji. Hanmantráo offered him as a security when bail was required of him on his arrest, but I objected to him, and after inquiry into his financial position the district magistrate rejected him. This man brought in the witnesses in one or two watan cases in which he had himself been the agent. He does not seem, however, to have had a very large business, but he has not of course informed me of all the cases in which he was concerned.

Báláji Gangádhar Sáthe had some hand in bringing the Sonori case to light. Soon after he went to Ratnágiri he forwarded to Mr. Nugent, I think, an anonymous note which he said he had received from Poona. This note drew especial attention to the Sonori case. I should suspect that this was Mr. Sáthe's indirect way of communicating personal knowledge with a view to making a show of having assisted Government in the inquiry. Similar tactics have been followed by other persons of position. The Mámlatdár of Purandhar induced the witnesses to come forward. The witnesses in the watan case from Yeola were persuaded to come forward by the Mámlatdár of that táluka.

73. Some of the cases brought to light by the officers working in the Southern Division had to be followed up by inquiries at Poona, which was the head-quarters of Mr. Crawford's agencies while he was Commissioner, S.D., as it was in later days.

Spiers and his sub-agents, Jog the banker of Tásgaon and Ashtekar, were the important personages in these cases. The transactions, however, necessarily dated some years back, and on this account the conflict of evidence was stronger than in the more recent cases. When it was eventually determined that the Central Division cases were sufficient and should alone go before the Commission, I ceased to press on the Southern Division inquiries. Messrs. Gamble and Lucas returned to Poona in the first half of October.

S.D. Commissioner's establishment.

74. I must not omit to mention that in the Southern Division inquiries I received no assistance worthy of the name from those who were and had been superior officers of the Commissioner's establishment, and who must have been just as well aware of Mr. Crawford's corruption in that division as Mr. Pendse was in the Central Division. I refer to Messrs. Kelkar, Bhángaonkar, and Soman. Mr. Nugent, at my request, questioned Messrs. Kelkar and Bhángaonkar, and they only gave general information such as could be collected in the bazaars of the Southern Marátha country. I sounded Mr. Kelkar myself with no better result. As a resident of Dhárwár, with plenty of acquaintances and friends there, though he would persuade me he had not, Mr. Kelkar could surely have induced some at least of the witnesses in the transactions he spoke of to have come forward. I believe, however, that he did excellent service in the Bhor and Akalkot inquiries. Bhángaonkar has been twelve years in the office of the Commissioner, S.D., and I assert confidently that had he chosen he could have given the sort of help required. Soman I did not approach, nor did I Bhángaonkar personally, because I had my own reasons for believing them to be hostile to the inquiry.

Mr. Crawford's bungalow.

75. Numerous witnesses have stated that they approached Mr. Crawford's house by other than the front door, and I satisfied myself about this private way by making R. G. Támbe show it to me. I had avoided taking witnesses there before, for fear of allegations of tutoring, but it was necessary for my own satisfaction that the point should be made clear. I accordingly one morning arranged that Támbe should meet me at the entrance gate of the house nearest to Poona. There I got out of my trap, and Támbe having said that this near gate was not the one he entered by, I told him to walk ahead of me, following the exact road he had taken in his visit to Mr. Crawford. I walked behind him at some little distance, and he took me round by the stables and the servants' houses and cook-room to the covered passage he talked of in his evidence. He crossed the passage and went straight across a little open yard to a door with a chick in front of it On the same day, I think, the Pátils of Nagde showed me how they approached by the front door. On another day a respectable little old man, who, I think, was one of the Bárge people, took me exactly the same route as Támbe had done. I had a plan of the premises prepared by the executive engineer.

Hanmantráo's confession.

76. The crowning feature of the inquiries is Hanmantráo's confession. Mr. Kennedy first visited him in jail on the 21st October to elicit information relating to Mr. Crawford's money dealings. He showed a disposition to make more important disclosures, and Mr. Kennedy repeated the visit, and followed it by many others. I at first abstained from going to the jail, because I feared that my doing so might be interpreted as holding out to Hanmantráo some hope of favour in return for the confessions he was making. I did go after a time to ascertain Hanmantráo's attitude, and whether he could be trusted as a witness. The result was that I advocated his being called, and though I was of course unable to say he would run straight, I was of opinion that the risk should be faced. The statements made by Hanmantráo from time to time were after the close of the Commission proceedings read over to him, and he was allowed to cancel or explain whatever he liked. The whole record was then compiled by Mr. Baines into the form in which it is printed. I sent a proof to Hanmantráo with a set of questions on points requiring further explanation. He was requested to answer the questions on the same paper, to transcribe his answers into the margin of the proof, and to certify to the correctness of the whole. I went to the jail and received from Hanmantráo the proof and paper of questions corrected and filled up in the manner I had requested. The papers here described are filed and constitute the original record of Hanmantráo's confession. The statements of other members of Hanmantráo's household have been taken.

Hanmantr

A short personal description of Hanmantráo will not be uninteresting. He is a man of about 36 years of age. His stature is middling, and he is well and sturdily built. In complexion he is dark, like most Bráhmans of his part of the country. His features are regular, and his expression is pleasant and intelligent. The thoughtful and somewhat melancholy cast of his countenance when I saw him was doubtless due to his

position at the time. He is not wanting in a sense of humour, and his expression sometimes, but not often, betrayed cunning. The discussion of some subjects roused pride, anger, decision, and a certain imperiousness—all, however, kept well under control before me, though it was apparent that he might at times exhibit these characteristics with some strength. He talks English excellently, has a retentive memory, a clear and thoughtful way of expressing himself, and is evidently a man of more than ordinary ability and force of character. He is on the whole a pleasing and attractive man. As well as I can judge from his own account and the general report, he dealt very honestly by Mr. Crawford, and has not amassed wealth. What money stuck to his fingers he appears to have spent at once. He had a house full of relatives and friends, and lived in an exceptionally liberal style. He seems to feel his degradation deeply, and to have made up his mind that his best policy is to make complete submission to Government. The feeling that Mr. Crawford had thrown him over was doubtless a strong inducement to him to make his confession.

Nowroji's ase.

77. In his opening of the case before the Commission, the Advocate-General somewhat hastily brought together a remittance of Rs. 2,000 to the French Bank in two notes of Rs. 1,000 each, as conciding in time with Sindekar's last payment of Rs. 1,000. We had no evidence that Sindekar's money had gone to Bombay, and it was therefore an unsafe suggestion to throw out. To clear up this point Mr. Kennedy asked Hanmantráo whence the money had been got that was remitted to the French Bank. Hanmantráo's story appears in his statement. We had some little difficulty, owing to the necessity for not letting Barjorji Pocháji know the direction of our inquiries, in finding out who the Daman liquor-farmer was. We did, however, discover him after a few days, and hearing he was in Poona I asked him to call on me, and questioned him in the presence of Mr. Kennedy. I did not expect the Pársi to confess, but it would obviously be a great point to get the numbers of the notes he had paid. The man's manner convinced Mr. Kennedy and myself that the story was quite true. I had by me the numbers of the notes which had been despatched to the French Bank. I therefore told Mr. Nowroji that I knew the numbers of his notes, and took out my pocket-book to convince him. On second thoughts I determined to be cautious, and putting back the pocket-book abandoned that line of persuasion. If Nowroji had possession of all my information he would have the advantage over me, and it appeared to me therefore to be best to leave him in doubt as to the extent of my knowledge. If by chance any record of the notes he had paid should be in existence, it might be tampered with. Mr. Crawford made use of this interview in his trial to throw discredit on the manner in which the inquiry was conducted. The documents in the Treaty Office corroborate Hanmantráo's story as far as they go, and Mr. Nowroji's demeanour confirmed it most strongly. The notes that were sent to the French Bank are probably two of the very notes that came from this Pársi.

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ársis.

78. Before concluding this narrative of the inquiry, I think it will be as well to say a few words in further explanation of the opposition that I have referred to in various places. It must, in the first place, be clearly understood that the whole of the Pársi community, which includes all the people who know most about Mr. Crawford's financial arrangements, were in the opposition. From Sir Jamsetji Jijibhoy down to Merwánji Pleader and the proprietors of the "Deccan Herald" every Pársi was a passive or active obstructionist. Mr. Nowroji, the mail contractor, alone afforded me every facility for the examination of his books. I had occasion to make inquiries of Mr. Edalji, a wealty merchant of Karáchi, who lives in Poona for his health, about a promissory note that had been sold to him by Mr. Spiers in connexion with the Sáwant case. Mr. Edalji left me promising to let me know the date of the transaction, a very important point, but I received a letter from him regretting he could not tell me the date more exactly than that it was within a certain six months. The note was one for Rs. 2,000 and carried interest, and I say frankly I don't believe Mr. Edalji was unable to trace the date of the transaction. I tried to get a footing among the class through a Pársi police inspector who was by me at the time, and I attribute my failure to something more than the inspector's stupidity. I do not think it necessary to go into further detail on this subject; but it deserves mention, lest the Pársis, who have succeeded in preventing themselves being mixed up with Mr. Crawford, should get credit, which they most certainly do not deserve, for superior morality.

The active obstructionists among the Pársis, as far as I can discover, were Merwánji Pleader and the proprietors of the "Deccan Herald." They were hand-and-glove in a great deal of the dirty work of Mr. Crawford's defence. From the 22nd July I kept up a watch on Mr. Crawford's visitors, and Merwánji was constantly there. The unfair

attitude of the paper referred to, with its false and garbled reports and news, is sufficiently notorious.

Mr. S. H Chiplunk

Mr. Sitárám Hari Chiplunkar, the secretary of the Poona Sárvajanik Sabha and proprietor and editor of the "Dnyán Prakásh," was another active adherent of Mr. Crawford. The first open attempt to intimidate witnesses was made in the columns of the paper at the beginning of Hanmantráo's trial, and the efforts have been steadily sustained in this and other newspapers as well up to the present day. He would argue in private that whatever Mr. Crawford's methods may be, his official acts have encouraged the aspirations of the people and procured for them substantial benefits, and the present exposures must damage the reputation of the people of India.

Mudliars. Mhaske. Kalavde. N. C. Som

Shridhar Vithal.

Mr. Kupuswáni Mudliar and the other gentlemen of his race, Mr. Gangárám Bháu Mhaske, Mr. Kalavde, and Mr. Náráyan Chintáman Soman, Assistant Commissioner, S.D., all assisted in disseminating fears and discouraging witnesses. One member of Mr. Kalavde's household, and another connected with Mr. Chiplunkar, were regular frequenters of Mr. Crawford's house for all the months of the inquiry. Mr. Shridhar Vithal Dáte busied himself in the affair in various ways. At first he appears to have been taken into Mr. Crawford's confidence, and he was entrusted by Hanmantráo with the letter addressed to Gangárám Bháu Mhaske, in which Hanmantráo repudiated connexion with Mr. Crawford in illegal practices. For some reason, best known to himself, he has retained the letter in his own possession. He then counselled Hanmantráo to abscond, as he himself had done when charged with bribery, and let the storm blow over. In consequence of his having given this advice, Mr. James Crawford turned him off Mr. Crawford's premises with some roughness. He subsequently, for reasons which are not yet clear to me, put forward Ganesh Náráyan Sáthe, who, it may be mentioned, is a pensioned servant of the Bombay Municipality, to complain against the Mámlatdárs. The man is a mischievous busy-body, and has done a great deal of harm. He is very vain of his own abilities, and was, I am informed, annoyed at my not having sought his assistance in the inquiries.

These remarks do not pretend to exhaust the subject of opposition. There has been a notorious and well-understood activity in other quarters which has created difficulties that wear a more serious aspect than did those which the local mischief-makers succeeded in raising.

Conclusio

79. The narration of my share in these extraordinary inquiries is now concluded, and I have endeavoured to compress it into a reasonable space without sacrificing interesting details. Wonder is expressed that men should have been induced to come forward by the score and confess to acts which, in spite of all guarantees, are disgraceful as being punishable by the criminal law of the land, and must imprint a stain that can never be quite washed out on the reputation of public servants. He would be a bold man who should profess to explain the phenomenon. The motives of individual witnesses may be conjectured, but who will solve the whole complicated problem? It is possible that some philosophical historian of the future may detect in this great event a moral awakening to the *reveillé* of Western education.

H. T. OMMANNEY,
Inspector-General of Police.

Poona, 25th February 1889.

LIST OF CASES INQUIRED INTO.

Serial Number.	Name of the principal Person concerned.	Date on which Statement was made by the Principal Person concerned.	Whether the Payment is admitted or denied.	Particulars of Payments.			Remarks.
				Agent's Name.	Amount.	Date.	
1.	2.	3.	4.	5.	6.	7.	8.
	GOVERNMENT SERVANTS, C.D.				Rs.		
1	Bálkrishna Govind Sindekar	10th July 1888	Admitted	Hanmantráo	2,000	June 1888.	
2	Balvant Náráyan Dabir	3rd August 1888	Do.	Do.	3,000	August 1887.	
3	Rámchandra Yashwant Chaubal	22nd August 1888	Do.	Do. (Atmárám Lingáyat).	500	June 1888.	
4	Yashwant Ballál Támbe	16th August 1888	Do.	Hanmantráo	500	April 1888.	
5	Moro Raghunáth Bivalkar	7th July 1888	Do.	Do.	500	September 1887.	
6	Dewráo Kacheshwar Chincholikar	17th August 1888	Do.	Do.	1,500	June 1887.	
7	Narhar Bápuji Dámle	- - - -	Do.	Do.	400	June 1887.	
8	Rámchandra Krishna Vinze	2nd July 1888	Do.	Do.	1,000	April 1887.	

List of Cases Inquired into—*continued.*

Serial Number.	Name of the principal Person concerned.	Date on which Statement was made by the Principal Person concerned.	Whether the Payment is admitted or denied.	Particulars of Payments.			Remarks.
				Agent's Name.	Amount.	Date.	
1.	2.	3.	4.	5.	6.	7.	8.
					Rs.		
9	Wáman Dáji Nagarkar - -	10th August 1888	Admitted	Hanmantráo	1,000	May and December 1887.	
10	Dáji Ballál Paránjpe - -	18th August 1888	Do.	Do. -	2,000	January and March 1887.	
11	Lakshman Moreshwar Deshpánde	15th July 1888	Do.	Do. -	500	March 1887.	
12	Vishnu Raghunáth Kelkar -	9th August 1888	Do.	Do. -	800	March 1887, and	
13	Ganesh Pándurang Thakár -	4th July 1888	Do.	Do. -	800 1,000	January 1888. February 1887.	
14	Venkatesh Krishna Dravid - -	16th August 1888	Do.	Do. -	1,000	January 1887.	
15	Vishnu Bápuji Wádekar -	28th July 1888	Do.	Do. -	2,000	January and February 1887.	
16	Dáji Dhonddev Pátankar - -	4th July 1888	Do.	Do. -	400	January 1887.	
17	Vináyak Govind Deshmukh -	25th July 1888	Do.	Do. -	500	September 1886.	
18	Vishnu Bápuji Soman - -	31st July 1888	Do.	Do. -	1,500	November and December 1886.	
19	Vishnu Anant Patwardhan -	9th August 1888	Do.	Do. -	1,500	January and September 1887.	
20	Káshináth Vináyak Bháve - -	4th August 1888	Do.	Do. -	2,000	October and November 1886, and September 1887.	
21	Hari Rámchandra Patwardhan -	26th July 1888	Do.	Do. -	1,000	July 1886.	
22	Lakshman Chintáman Phadke -	15th July 1888	Do.	Kázi Abbás	2,000	February and July 1887.	
23	Wásudev Rámchandra Patwardhan.	6th August 1888	Do.	Hanmantráo	900	July and November 1886.	
24	Bhagwant Balwant Pradhán -	1st August 1888	Do.	Do. -	1,500	July 1886.	
25	Mahádev Bálkrishna Khásnavis -	14th August 1888	Do.	Do. -	2,500	August, September, and October 1886.	
26	Shankar Bhálchandra Bápat -	2nd August 1888	Do.	Mr. Crawford (Hanmantráo.)	1,500	June 1886 and February 1887,	
27	Raghunáth Ganesh Támbe -	21st September 1888	Do.	Kázi Abbás	700	October 1887.	
28	Bápuji Mahipat Khárkar - -	No date	Do.	Mr. Crawford	500	June 1887.	
29	Sakhárám Chimnáji Joshi - -	25th July 1888	Admitted	Pálande	1,000	June and July 1887.	
30	Ganesh Ballál Mulekar - -	10th August 1888	Denied	Hanmantráo (Kalavde.)	500	September 1886.	
31	Náráyan Vishvanáth Bhat - -	16th August 1888	Do.	Hanmantráo	1,000	July or August 1887.	
32	Hari Sakhárám Násikkar - -	4th August 1888	Admitted	Mr. Crawford	1,000	October 1887.	
33	Bálkrishna Narhar Dáni - -	21st September 1888	Denied	Hanmantráo (Kalavde.)	500	November 1886.	
34	Mahádev Keshav Kumtekar -	17th July 1888	Admitted	Hanmantráo	1,000	September 1886, and July 1887.	
35	Hiráji Frámji - - -	24th September 1888	Denied	Mr. Crawford	2,000	March 1887.	
36	Janárdan Eknáth Sahasrabudhe -	8th August 1888	Admitted	Hanmantráo	2,000	February 1887.	
37	Raghunáth Wásudev Dashputre -	17th August 1888	Denied	Hanmantráo (Godbole.)	400	June 1886.	
38	Vináyak Vishvanáth Lele - -	22nd September 1888	Do.	Balwantráo (Godbole.)	1,000	June 1886.	
39	Rámchandra Govind Mangrulkar	27th July 1888	Admitted	Hanmantráo (Kalavde.)	2,600	July or August, and November 1886.	
40	Rámráo Hanmant Rájguru -	31st August 1888	Do.	Hanmantráo (Atmárám Lingáyat.)	1,000	April 1887.	
41	Mahádev N. Fulmandikar - -	24th September 1888	Denied	Hanmantráo	1,000	June 1887.	
42	Sheikh Usmán Sawár - -	8th October 1888	Admitted	Kázi Abbás	500	August 1887.	
43	Vishnu Balvant Phadke - -	16th October 1888	Do	Do.	1,400	August or September 1887	
44	Purshottam Bápuji Phadke -	25th September 1888	Do.	Do.	1,600	May 1887.	
45	Bindu Gopál Bhandárkavathekar	August 1888	Denied	Hanmantráo	2,000	November 1887.	
	Watan Cases, C. D.						
46	Rui case (Sakhárám Shelké) -	16th September 1888	Admitted	Hanmantráo (Denglé.)	1,500	July 1887.	
47	Dashmigaon (Ráoji Rakhmáji) -	4th September 1888	Do.	Kázi Abbás	475	October 1886.	
48	Nagdé case (Ráoji Kesu) - -	18th September 1888	Do.	Spiers	450	July or August 1887,	
49	Alme Pátil case (Kondáji Sinde) -	4th September 1888	Do.	Mr. Crawford	600	January 1888	
50	Sonori case (Pándu Kále and others.)	16th September 1888	Do.	Pálande	550	December 1888.	
51	Alé Pátil case (Mahádji Kánji) -	29th August 1888	Do.	Do.	500	Jan. or Feb. 1888.	
52	Sindi case (Mádhavráo Vithalráo)	20th October 1888	Do.	Hanmantráo (Denglé).	600	June 1886.	
53	Potnis Inám (Raghunáth Bájiráo)	1st July 1888	Do.	Mr. Crawford	1,000	June 1887.	
54	Válva cases (Dáji and Govinda Pátils.)	31st July 1888	Do.	Kázi Abbás	800	June 1888.	
55	Puntámbe case (Nána bin Dáda) -	17th October 1888	Do.	Pálande	600	October 1887.	
56	Puntámbe case (Bápu Joti Wahádne.)	17th October 1888	Do.	R. G. Dátár	500	November 1887.	
57	Koregaon (Ganpatráo Bárge) -	1st August 1888	Do.	Kázi Abbás	500	October 1887.	
	Government Servants, S. D.						
58	Wásudev Shankar - - -	6th September 1888	Do.	Ashtekar	700	June 1883.	
59	Siddapa Virappa - - -	10th September 1888	Do.	Spiers	1,200	June 1885.	
60	Rámchandra Dáji Kále - -	4th October 1888	Denied	Ashtekar	800	1884.	

List of Cases Inquired into—*continued.*

Serial Number.	Name of the principal Person concerned.	Date on which Statement was made by the principal Person concerned.	Whether the Payment is admitted or denied.	Particulars of Payments.			Remarks.
				Agent's Name.	Amount.	Date.	
1.	2.	3.	4.	5.	6.	7.	8.
					Rs.		
61	Lakshman Rámchandra	-	Not interrogated.	Ashtekar.	2,000	June 1883.	
62	Gururáo Bálāji	24th October 1888	Denied	Do.	600	1884.	
63	Narhar Swámiráo	11th September 1888	Admitted	Do.	400	March or April 1883.	
64	Rámchandra Bhagwant	4th September 1888	Do.	Do.	900	September 1883.	
65	Rághavendra Shámráo	2nd September 1888	Denied	Hanmantráo	4,000	January 1885.	
66	Gururáo Krishna	31st August 1888	Admitted	Hanmantráo	800	May 1883	Gururáo is dead and his widow has given her statement.
67	Bhimáji Gururáo	16th September 1888	Denied	Mr. Crawford	1,500	February 1882	
68	Trivingdam, Chief Constable	-	Do.	Hanmantráo	1,500	August 1887.	
69	Shiwayogappa Bashetteppa	28th September 1888	Admitted	Kázi Abbás	500	1883.	
70	Dyamangauda Basangauda	27th September 1888	Do.	Spiers Ashtekar	900 1,300	1883.	
71	Sakhárám Subhánráo	4th September 1888	Do.	Keshav Ganshet	2,000	February 1885.	
72	Bápu Sáheb Ghátge	27th August 1888	Do.	Spiers	23,000	August 1886, January 1887.	The payment is said by Ghátge to be a loan.
73	Mahádev Bábshet Kárlekar	30th July 1888	Do.	Mr. Crawford	1,000	1885.	
	Watan Cases, S. D.						
74	Jánwád case (Imám walad Hájee)	5th September 1888	Do.	Ashtekar	1,000	October 1884.	
75	Mugat Khán Hubli case (Gudumya).	19th September 1888	Do.	Spiers	1,000	July or August 1881.	
76	Ghosarwad case (Gangábái Desái).	-	Not interrogated.	Pálande	6,000	1882.	
77	Nangundikop case (Gurnáth Bálāji).	-	Not interrogated.	Hanmantráo	700	1883.	
78	Annigeri case (Chendappa Deshpánde and Fakirappa Desai).	-	-	Ashtekar and Hanmantráo.	6,000	October 1885.	The party alleged to have made the payment is dead.
79	Shidasamudra (Shiwalingappa bin Shiwabasappa).	11th September 1888	Admitted	Hanmantráo	800	October 1885.	
80	Koujgeri case (Hanmantgauda bin Basangauda).	6th September 1888	Do.	Hanmantráo (Ayyappa).	1,650	1884.	
81	Hullúr case (Malikárjungauda)	25th August 1888	Do.	Hanmantráo	1,100	1884.	
82	Bhoj Pátilki case (Ráyapagauda)	-	Not interrogated.	Govindráo Jog Tásgaonkar.	1,000	1883.	
83	Hallikeri Pátilki case (Shivabasangauda).	31st October 1888	Admitted	Spiers	500	1881.	
84	Shirsangi case (Umábáisáheb)	-	Not interrogated.	Do.	6,000	1881.	
85	Mánjari case (Dhondo Rámchandra).	28th September 1888	Admitted	Ashtekar	600	1883.	

H. T. Ommanney,
Inspector-General of Police.

Races and Castes of Witnesses Examined.

——	Bráhmins.	Parbhus and Shenvis.	Maráthás.	Lingáyats and Jains.	Gujarátis, Wánis, and Márwádis.	Mahomedans.	Pársis.	Eurasians.	Others.	Total.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
Central Division	109	11	48	2	16	6	3	1	6	202
Southern Division	54	3	11	34	2	7	—	—	2	113
Total	163	14	59	36	18	13	3	1	8	315

N.B.—This statement does not show the witnesses examined in the four political cases, viz., Bhor, Janjira, Akalkot, and Jath.

H. T. Ommanney,
Inspector-General of Police.

Confidential.

Memorandum by J. A. Baines, Esq., C.S.

The Crawford Inquiry.

I have been demi-officially asked to record some account of what the information now available indicates to have been the nature and extent of the corrupt dealings in which Mr. Crawford took the leading part. Much of this information has been already submitted to Government in the detailed narrative of my colleague, Mr. Ommanney, a considerable portion of that referring to special charges has been placed before the

Commission of Inquiry, and with this last I have dealt, as far as general conclusions go, in another memorandum, whilst separate notes on each of the leading articles of charge have been furnished by me, as called for, to the Honourable Board. It remains therefore to summarize what has thus been recorded hitherto in a scattered form, adding information on special points which have not arisen in the direct path of the investigation, but which seem to me to be essential to the true appreciation of Mr. Crawford's proceedings. As regards the latter, I have made use of information given me as a matter of common report amongst natives, but in no case that I am aware of, with one exception, have I trusted to the statement of one single individual. The exception is that of Hanmantráo, whose position was so peculiar that his account of what took place during his intimacy with Mr. Crawford may be given for what it is worth. Personally speaking, I am inclined to believe the greater part of it, but I would not venture to insist upon the same credulity from those unacquainted with the man himself.

[redacted]mbay.

1. During the present inquiries, anything done by Mr. Crawford during his Municipal Commissionership in Bombay has not been touched. The circumstances connected with his exit from that position have long been condoned, and those entrusted with the investigation saw no reason for raking up old stories. At the same time, from what is currently talked about in that city, there seems little reason to doubt that Mr. Crawford during the above period not unfrequently distributed official favours on corrupt considerations, and had the reputation amongst the natives of the middle and upper classes of being a man who was willing to requite officially any obligation conferred upon him in his private capacity.

[redacted]llector of [redacted]lába.

2. As Collector of Kolába, the district facing Bombay across the harbour, he continued to be practically a citizen of his former charge and to a great extent resided in Bombay. He had the political supervision, moreover, of Janjira, and managed to ingratiate himself with the wealthy inhabitants of that State as well as of his district, and appears, from information casually received, to have contracted obligations to some of the latter, according, in return, minor official favours, such as nominations to honorary or local offices. His knowledge of the adjacent district of Ratnágiri, where, according to what was told me by Ráo Bahádur M. V. Barve, C.I.E., Mr. Crawford had already established a name for accessibility to pecuniary benevolences, enabled him to introduce his old favourites, or the relatives of men who had obliged him with money in former years, into Kolába. He is also reported to have placed contracts for public works into the hands of some of his Bombay creditors, and to have dabbled in the exploitation of forests by Bombay firewood dealers. He had, too, some interest in Shepherd's steamers, which was attributed on the coast to more than mere friendship for the head of the firm owning them. The two main charges brought against Mr. Crawford from this district belong, however, to a later period. As to the adoption by the widow of the Angadia Sardár no details have been specially inquired into during the present proceedings, and the Janjira case has been separately mentioned. It is enough here to note the fact that the evidence brought up before us in Poona was so unsatisfactory, from the fact of each actor wishing to incriminate his fellow, that the case was not put forward for further inquiry, but that, nevertheless, if Hanmantráo's voluntary statement is to be believed, Mr. Crawford did remit to the Comptoir D'Escompte at the time in question a considerable sum of money in notes, and it appears, too, from the same statement, that on Mr. Crawford's return from Europe at the end of 1884 he was considerably pressed for money to satisfy his more importunate creditors. Amongst the exhibits sent up with this case, the informal note about giving a contract of forest cutting to a certain dealer, and the draft resignation of the Kárbhári, both written by Mr. Crawford, indicate considerable intimacy of a peculiar kind, which subsequent disclosures show to have been corrupt.

[redacted]llector of [redacted]tnágiri.,

3. In Ratnágiri, Mr. Crawford's favourite district, he seems to have distinguished his tenure of the Collector's office chiefly by irregular distribution of patronage, and, as in Kolába, by the assignment to his Bombay creditors of contracts for material, &c., for public works. His local creditors, especially one Phadke, a relative of Mr. M. V. Barve, are said to have been on terms of undisguised familiarity with him, and to have exercised undue influence in appointments and local matters. Several of these cases were mentioned in Poona, but the pressure of work in connexion with the Central Division, and the knowledge that the whole of the upper and official classes in Ratnágiri were devoted to Mr. Crawford, prevented any detailed inquiry being made

in that district. It is probable too that a Ratnágiri man like Mr. Barve, who gave information about cases elsewhere, would decline to help near his own home.

Commissioner, S.D.

4. Mr. Crawford's accession to the Commissionership of the Southern Division gave him a freer hand in Kolába, Janjira and Ratnágiri, as well as fresh fields of operation above Ghâts, in the Southern Marátha Country. In the latter especially, watan disputes are far more important and hotly contested than in the Konkan; and residence in Poona afforded more scope for the employment of agents in place of direct application—an innovation which seems from the records to have been much favoured by Mr. Crawford. It is from the beginning of the summer of 1879, indeed, that Mr. Crawford's corruption is said to have become a matter of common talk in the Poona and Belgaum bazaars. We have gathered together a large amount of information regarding cases said to have occurred during Mr. Crawford's tenure of office in this division, and though it has not been tested in open court, there seems no reason to doubt that the various classes of men that have come forward from all the Kánarese districts did pay something or other to Mr. Crawford or one of his agents for some official act or other. Pátils, Kulkarnis, Deshmukhs, and Deshpándes brought up their watan claims. Cases of adoption, claims to succession to inám estates, and so on, are all represented in the inquiry, as shown by the appendix to Mr. Ommanney's statement. The promotion or appointment of Mámlatdárs, chief constables, treasurers and other officials was mentioned for the first time as a regular source of income, and one main feature of this period is the reinstatement of dismissed men chiefly in the upper grades of the police. As in several of these cases Mr. Crawford has written down his reasons for his action, it is not unfair to comment on a few selected instances of what appears from the record to be abuse of patronage, even though the evidence of corrupt influence be omitted from consideration. The appointment of treasurer, a post carrying a salary of Rs. 100 per mensem, is one to which Mr. Crawford asserted that he attached great importance. On successive occasions he laid down the following rules and made the following appointments: (*a*) He declined to appoint from the district, but in Ratnágiri he appointed Keshav Ganshet, a man of local wealth and influence, who had never served out of the district. On Keshav's leaving he appointed Shivrám Patwardhan, another native of Ratnágiri. In Belgaum he appointed a jail clerk, native of Belgaum. (*b*) He declined to appoint from his own office, but five months after this refusal he appointed Deshmukh, a correspondence clerk in his office. The only principle laid down by him which he really carried out consistently was that the Revenue Department had no claim on a treasurership, so he appointed successively a police clerk on Rs. 30, Sidáppa; two jail clerks on Rs. 40, Limaye and Náráyan; a correspondence clerk on Rs. 60, Deshmukh; and a judicial clerk, Keshav. To take next the Mámlatdárs, Mr. Crawford, having got the sanction of Government to the appointment of an experienced Mámlatdár to award compensation for land taken up by the Southern Marátha Railway, a very delicate task, appointed thereto Bhimáji Gururáo, a Mahálkari, who had been degraded from Mámlatdár for inefficiency and had failed to qualify for reinstatement. Again, it is a known rule that relatives of the collector's vernacular secretary (Chitnis) should not serve in the district with that officer, and in Khándesh, in the case of Devbhankar, Mr. Crawford put this rule in force temporarily. He violated it, however, in Sholápur, where nearly all the Mámlatdárs were of one caste, natives of the district, and one or two related to the Chitnis. Still more in Bijápur, where he appointed a Mámlatdár named Shirhatti, whose two brothers were already in the district, one as Mámlatdár, the other as Chitnis. Regarding the reinstatment of dismissed police officers the record is equally clear as to the want of adequate motive for the step, but it is not the place here to enter into a discussion on the merits of each case, especially as in several of the most important of these, such as that of Dyamangauda, there is an admission of payment. It is enough to state that such was the extent of this practice that in no case of dismissal of a high police officer does it appear that there was not a reasonable expectation of a revision and reversal of the order, until the appointment of an inspector-general of police put an end to Mr. Crawford's power of interference. This, however, was not before the southern division police ranks had been recuited by the reinstatement of many men regarded by the local officers as either corrupt or inefficient. Mention has been made of the watan appeals in this division. Several of these have been inquired into and payment has been admitted. In some of these the order passed was similar to several which have attracted the serious notice of Government since Mr. Crawford joined the Central Division, such as the suspension of the collector's orders pending decision on appeal, the replacing of watandárs ousted by the collector, or the reference to a civil court of questions within the jurisdiction of revenue officers. In some cases a strong collector protested against the order and got it reversed, but usually the watandárs

seem to have submitted, and the collector did not take up the cudgels on their behalf unless solicited by one of the parties concerned. As regards Mámlatdárs I see little reason to believe Hanmantráo's suggestion, namely, that not more than two escaped payment. In the first place, Hanmantráo was not then promoted to the position of principal agent which he occupied in the Central Division, but admits that he meddled little with Government officials. In the second place, judging from the comparatively few cases which have been investigated, the paucity being accounted for by considerations which will be given hereafter, there seems to have been no system of extortion by implied threats of injury, as there was afterwards. In the Central Division the cases of mámlatdárs' payments appear to have been of a far less culpable nature than those in the Southern Division. In the latter the payments seem to have been voluntarily made to secure undue favour, whereas in the former the inducement to come forward and pay was the anxiety to escape undue disfavour, and isolated acts of corruption had grown into a recognised system. On the other hand, the case of Pándurang Deshpánde, who boasts that he is the only man in the Southern Division who got a mámlat from Mr. Crawford gratis, is worthy of consideration, and is given in full in Mr. Ommanney's note, page 38.* It is not desirable, and would be unfair, to enter here into the details of the Southern Division cases in which payments are admitted, for the simple reason that we did not consider those charges suitable for inquiry by the Commission. At the same time, the reason for rejection is directly relevant to this narrative, being simply this—that in all the cases in which the evidence was most trustworthy, the chain continued unbroken as far as the agent next to Mr. Crawford, and was never complete up to that principal himself. The flaw was, in the opinion of both Mr. Ommanney and myself, deliberately forged by the informers for the purpose of preventing the case being brought into public notice. The evidence, with the exception of that of the agents themselves, was as good as in any ordinary magisterial case, but the agent in question invariably managed to introduce a discrepancy of such weight that it broke down the whole case. This digression may serve as introduction to the question of agency, which began to assume importance on Mr. Crawford's accession to the Southern Division. The chief agents were Messrs. Spiers and Dáda Sáheb Ashtekar, but though the former used to establish himself at Belgaum during Mr. Crawford's tour, and the latter used to accompany the Commissioner's camp, they seem always to have been approached cautiously, and through sub-agents. Correspondence obtained from the parties engaging his aid, however, shows that Ashtekar was by no means reticent about his agency, though he mentions it always in veiled terms. He is a Bráhman landholder of Belgaum, has some knowledge of English and was once appointed honorary magistrate, and entered by the private secretary to the governor as a possible civilian under the statutory system. He lost both these distinctions, however, in consequence of gross perjury committed in a suit brought against him. This suit was to recover Rs. 500 borrowed by him to bribe a relative of his who had stolen a packet of Mr. Crawford's letters to Ashtekar, of which he threatened to make use. The whole story is remarkable, and will pay perusal. It is given at page 36† of Mr. Ommanney's memorandum. On the loss of the letters, Mr. Crawford seems to have discarded Ashtekar and elevated Hanmantráo in his place. Regarding the rise and fall of Hanmantráo full imformation can best be obtained from his statement which was taken down as far as possible in the words used by him. Spiers seems to have been a very old acquaintance of Mr. Crawford's, and to have gone security for him on an occasion which brought Spiers himself to insolvency. Since then Spiers has had assistance of various kinds from Mr. Crawford, is said to have ingratiated himself with several Sardárs and Chiefs, besides being agent for watandárs and other non-officials who had business with Mr. Crawford. He seems to have been comparatively inactive since Mr. Crawford joined the Central Division. Perhaps Hanmantráo speaks the truth when he says that Spiers lost Mr. Crawford's confidence through his tendency to levy too heavy toll on receipts which reached him. At any rate, none of the cases inquired into except one, of late years, seems to have been negotiated by Spiers, who in addition to his pension as Sub-Registrar, has acquired land and houses in both Poona and Pánchgani. Below these two were sub-agents, such as watandárs and Poona money-lenders, the former of who have mostly admitted their connexion with Ashtekar or Hanmantráo. The chief assistant to Spiers in this division was Kázi Abbás, who on Spiers' retirement, took to direct connexion with Mr. Crawford, and also did business on his own account. From what is said of these men by the witnesses called up, which is practically corroborated by Hanmantráo's admission, it seems that they were by no means scrupulous in rendering to Mr. Crawford all that

Corrupt agents: Ashtekar and Spiers.

ázi Abbás.

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* *See* page 273 of this paper.

† *See* page 272 of this paper.

they received for him, and that in this respect they were far worse than Hanmantráo himself, who is known, from our inquiries, to have misappropriated no more than would keep up his ordinary establishment. The last subject in connexion with the Southern Division is the exploitation by Mr. Crawford of the Native States under his supervision. Janjira, as has been mentioned, fell very early into the net, and both of the Nawáb's kárbháris (Purandhare and Bál Dhonddev) are said to have paid something for their nomination. Sávánur is said to have paid to secure the acquittal of a member of the Nawáb's family, who had been convicted by a special court. The object was attained, but the operation rendered the Political Superintendent of Sávantvádi, who conducted the inquiry, so careful in watching his own Darbár against Mr. Crawford, that probably no scandal occurred there. Mr. Crawford had no status in the Kolhápur or Southern Marátha States, though some overtures were made by him once to get the supervision of the latter. The subordinate judge of Dhárwár, Bába Sáwant Ghátge, a connexion of the Kolhápur Regent who died in March 1886, admits having advanced Mr. Crawford Rs. 23,000 without bond, receipt, or security of any sort beyond the word of Mr. Spiers. Considering the aspirations of the Ghátge to a share in the Kolhápur administration, there appear *primâ facie* reasons for supposing that so liberal a treatment of an official known to be as deeply in debt as Mr. Crawford was, must have been due to the creditor's belief in the efficacy of Mr. Crawford's recommendation of him as a fit person for member of the Council of Regency, if not for the post of Regent itself. It is true that the person who negotiated the so-called loan, Bápu Sáheb Ghátge, admits the repayment of Rs. 2,000 out of it, and has shown us letters written by himself, dunning Mr. Crawford and Spiers for the balance, but as these are of comparatively recent date, and as, in spite of threats used by him, he has never had recourse to the civil court, and has not an iota of evidence of the loan, it seems more likely than not that both the dunning and the alleged partial repayment were collusively arranged to cover what was really nothing but a bribe.

Native States.

5. Hanmantráo has given a full account of his dealings in the Southern Division, where it is clear that he occupied a position far inferior in power and confidence to that of either Spiers or Ashtekar. At the same time, Mr. Crawford evidently had a personal liking for the man, who, besides his intelligence, is gifted with courteous manners and considerable strength of character. When Mr. Crawford took charge of the Central Division, Hanmantráo established himself in Poona and began more or less open communications with the Commissioner's office. It is clear, though he will not admit it, that he was not allowed access to that establishment in the Southern Division, and if what has been alleged regarding the dishonest tendencies of several of those at the head of the Native staff be true, the probable reason for his exclusion was the desire not to aid an outsider in sharing the profits of the inner secrets of the ring. Again, when Mr. Crawford took charge of the Central Division, Hanmantráo found Pendse and Kyte in power, against whom a stranger like himself could do nothing. Gradually through Deshmukh, a college friend, he established relations between himself and some of the clerks, and in a few months introduced into the Commissioner's office two or three nominees of his own, one being his own nephew. Mr. Crawford aided this plan of communication by taking an opportunity of bringing up from the Southern Marátha railway office the son of another of his sub-agents (Ánant Bhat Pálande) and of putting in two unqualified candidates, sons of an old Government servant, who were thus devoted to his interests. Lastly, in B. G. Sáthe Hanmantráo found, if not a colleague, at least a man unscrupulous enough to wink at such official irregularities as Hanmantráo and the witnesses in the inquiry describe as being of not uncommon occurrence. From 1886 downwards Hanmantráo had practically the power of inspecting the whole of the Commissioner's records, provided that the common decencies of official life were observed and scandalous publicity avoided. It is also in great measure true, from what we have since learnt, that, except in a few heavy cases such as Deshmukh's disputes, Hanmantráo did not interfere with watan matters, which when not appropriated by B. G. Sáthe are said to have been managed by Kázi Abbás, Pálande, Dixit, and the minor agents mentioned by Hanmantráo. It is almost impossible, when reading over the evidence in many of these cases, to avoid the conclusion that much of the money taken by such agents did not reach either Mr. Crawford or his creditors. At the same time it is equally improbable that Mr. Crawford was ignorant of what was going on under cover of his intimacy with these men. The details of the system and of the chief cases which occurred under it are given in Hanmantráo's statement, and from this a general view of the state of affairs can be obtained. It is as well to remark, however, cursorily, that when closing his written statement Hanmantráo

Central Division Hanmar

expressly confines what he has imparted to the cases about which questions had been put to him, so that there is little doubt but that he kept back plenty of information about matters of which he presumed Government had received no intimation, and it is equally probable that he really was ignorant of the later operations of Spiers and his gang. For instance, nothing could be got from him about the payments alleged to have been made by minor Sardárs for either decisions or recommendations in their favour, whilst in much more serious cases, as Bhor and Akalkot, Hanmantráo freely disclosed his whole connexion with the transaction. But enough is on record either from him or from the victims of his system to show how his business was carried on, and to justify his statement that to all intents and purposes he was Mr. Crawford's sole agent for the exploitation of Chiefs and Government servants. It may be said, of course, that he had a special interest in exaggerating his influence, and in making too much out of Mr. Crawford's confidence in him for monetary arrangements, but as I have shown, I trust, elsewhere, it is scarcely credible that such a system as appears to have been in vogue could have been established unless the educated and well-connected Bráhmans who fell in with it had known that they were getting their money's worth in some form or at some time or other. To entrap a comparative stranger like Hanmantráo, by means of an almost untraceable series of intrigues, would be no hard task for a Poona-bred official, with his local influence and extended relations, and such a *dénouement* would inevitably have been communicated to Government or brought before a magistrate's court whenever the desire for revenge prompted the outraged or deceived official. But, excepting one doubtful case, mentioned by Hanmantráo himself as traceable to the animosity of Mr. B. G. Sáthe, no such denunciations were made. To put Hanmantrao's system briefly, it was an arrangement by which he got what he could out of Mámlatdárs and corresponding officials by means of indirect threats or hints that without such payments due consideration would not be given to those officers' claims to promotion or desirable charges. There was little or no direct action. On payment, Hanmantráo took steps to signify to his patron the wishes of the men who had conformed to the system, and Mr. Crawford acted on the suggestion as soon as he could, and in some instances accepted Hanmantráo's direct proposals. The money that Hanmantráo received was not paid at once to Mr. Crawford, and did not, as a rule, reach his hands at all. It is doubtful whether of late he was even cognisant of the details of the transaction. His debts were so numerous and so pressing that Hanmantráo had often to pay instalments without reference to his principal at all, and to place his own credit at Mr. Crawford's disposal when business was slack. When he did pay money to Mr, Crawford it was almost invariably to meet debts incurred elsewhere than in Poona. When Mr. Crawford is said to have conducted negotiations personally, it was always with men of superior rank or position, such as his assistants or the agents of native chiefs. On the few occasions on which he directly addressed others, Hanmantráo was either present, as in the case of V. B. Soman, or had been previously consulted. Where Kázi Abbás or agents of a still lower stamp were made use of, the money was invariably, according to the results of our inquiry, taken charge of by Mr. Crawford in person, and no credit given to the intermediary. It is noticeable, too, that not more then three Central Division Brahmans of respectable antecedents are said to have made their advances through the Kázi or Anant Pálande, whereas, according to our information and Hanmantráo's account of his misdeeds, only a few of the remaining 63 Mámlatdárs in the Division escaped their caste-fellow, and those for some special reason or other. It is remarkable how widespread was the belief in Hanmantráo's influence and how the circumstances of the Division favoured his operations. In the first place, there is a fair selection of penal settlements or places regarded as such by Bráhmans hailing from large towns. The promotion too, in this Division is complicated by the large number of university candidates, whose claims have to be compared with those of older men who have passed the qualifying examinations of the Revenue Department. The investiture of a Mámlatdár with special magisterial powers, too, not sanctioned as a ground for promotion, though it may be for transfer to a special locality, was much used by Mr. Crawford as a means of providing for those whom Hanmantráo designated as deserving of consideration, though equally liable to be disregarded when no such recommendation had been made. The partiality of men for their native district was abundantly utilised. In some cases Mámlatdárs were allowed to remain for years amongst their own kinsfolk within easy reach of their native town. In others they were transferred suddenly to a remote or unhealthy charge, but allowed to return almost immediately, on the customary terms. It is remarkable that there should be several instances on our records of men purchasing bills of exchange payable

by or drawn on Poona firms when they were transferred to a place to which their road ran anywhere but through that city, and which contained possibly merchants through whom a transfer of cash could with greater facility have been effected, even apart from the gratuitous transfer of savings bank accounts through the post office. Similarly significant are the continual journeys of Mámlatdárs to Poona and back on short leave from their immediate superiors whenever any transfer or promotion was in question. There seems to be not the slightest reason to doubt that the whole system centering in Hanmantráo was known and talked of without concealment from any one but European officers in every revenue office between Khándesh and Dhárwár, and that, as Hanmantráo says, it was generally believed that Mr. Crawford's influence with Government was such that it would be quite useless to attempt to expose it, even if Government desired to have it brought to light. As outward and intelligible signs of Hanmantráo's influence with Mr. Crawford, the Mámlatdárs who visited Poona had the appointment of his nephew; Narsingráo, a subordinate kárkun in a remote táluka of Bijápur, utterly untried by Mr. Crawford, and with a very poor record in his own office, brought suddenly up to the head office of another division, and confirmed there on more than double the pay he and those of his standing were drawing before this extraordinary promotion. They would see, too, a clerk in the educational inspector's office of the Southern Division, a college friend of Hanmantráo, similarly elevated out of his division on correspondingly higher pay. When a vacancy occurred Mr. Crawford appointed a third nominee of his agent's, Parvatikar, and the son of a late deputy collector, who had not even qualified for the public service. Lastly, in addition to an appointment of a second unqualified man, Mr. Crawford brought up from the police office of the Southern Marátha Railway the son of Anant Bhat Pálande, above-mentioned as one of the sub-agents for watan appeals. Of these men, the first three all lived with Hanmantráo, and through them the latter obtained whatever information he might wish for from office records. On Mr. Crawford's suspension the unqualified men were dismissed, and the rest dispersed to their original offices, but for some time previous they had remained a standing proof of Hanmantráo's position relative to his patron, and of the latter's disregard for efficiency and discipline. The division at large again could moralise on the appointment of a junior clerk out of his turn, as Mámlatdár without his being allowed to take advantage of that promotion, so that the vacancy was made available for an older man, who had four or five years before been tried and found utterly inefficient, if not dishonest, and who had more recently been still further degraded. That such aberrations from the ordinary course of official patronage attracted general notice can be seen from the extracts from the "Poona Vaibhav" and other Maráthi papers quoted by Mr. Ommanney at pages 35–36* of his memorandum, but nothing definite was reported to Government on which any action was possible.

6. Mr. Crawford's larger operations in the Central Division were chiefly connected with the petty Native States of Bhor, Akalkot, and Jath, and the larger Deshmukhs' watans in Sholápur, Nagar, and Sátára. As regards the latter a definite decision was the consideration, and on several occasions the strangeness of that decision attracted the notice of Government, and had to be brought before its legal advisers who reversed it. The States were generally subjected to a course of extraordinarily petty interference and teasing inquisition, couched, in the case of Bhor, in rather stronger language than the merits of the matter in dispute seemed to justify. This, however, seems to have been a personal characteristic of Mr. Crawford's administration, as on searching his records for the purposes of the Commission, I came across several instances in which a suspension by telegram or other vigorous demonstration was followed by an inconsistent or colourless report or decision. In the case of the States, however, the result seemed to be the subordination to an extraordinary degree of the Political Agent, who is also the Collector in the Deccan charges, to the Commissioner, in the eyes of the Darbár; and the consequent disregard of the responsible official in the hope of ensuring the favour of an officer who was only intended by Government to exercise a general supervision in political matters. The consequence in such circumstances was generally to throw the Darbár into the hands of Hanmantráo, as in the case of the Pant Sachiv, the Rája of Akalkot, and the Chief of Jath, and the consideration that seems, though the evidence is unsatisfactory, to have been generally sought at Mr. Crawford's hands was general abstention from worrying. The Pant and the Akalkot administrator probably bargained for a specific act of favour, as earnest of what was to follow, though in the latter case even the benefit was confined to non-interference with the opinion of

* *See* pages 270–272 of this paper.

the Political Agent. Even though there be no allegation of corrupt dealing, the demoralising effect of such attempts at personal administration, regardless of the subordinate in immediate authority, is a matter which cannot admit of a doubt. One of the last points to notice regarding Mr. Crawford's employment of Hanmantráo is the precaution taken to prevent the existence of evidence of the illicit connexion between the Commissioner and his agent on the one hand and between Hanmantráo and the Mámlatdárs on the other. Though the system was openly talked of, no evidence in writing has been traced which proves its existence. Mr. Crawford is said to have been particularly careful to avoid corresponding with either Hanmantráo or Spiers about anything but money matters which would bear inspection; and possibly this caution dates from the time when his correspondence with Ashtekar became, as has been already mentioned, the cause of remarkable adventures and strange abuse of the processes of law before the letters were recovered. Again, Hanmantráo was never openly entrusted with any official documents, the need for such publicity being obviated by the residence of three of Mr. Crawford's employés in Hanmantráo's house, and for the same reason Hanmantráo's undesirable presence at the office was rendered superfluous. The evidence in the inquiry shows equal caution on the part of Hanmantráo as regards his correspondence with Mámlatdárs. In one case we have it stated that he wrote in printed character and did not sign, but in the majority of cases both inward and outward communications passed entirely through third parties, sub-agents or outsiders, who could either be trusted, or who were kept in ignorance of the nature of the correspondence. In all cases, probably, the officials addressed were scrupulous in destroying the letters they received, lest the latter should be producible against them if they fell into wrong hands on one of their owner's transfers, or expeditions to Poona. The few letters of Hanmantráo relating to watans in the Southern Division which were produced before us display less caution, though on the whole, like those of Ashtekar, they are couched in veiled terms and secret phrases, but after Hanmantráo's establishment in a centre like Poona, easily reached by rail from nearly every part of the division, he seems to have avoided correspondence on official matters direct, or indirect, altogether, whilst, as said above, it is doubtful if Mr. Crawford ever put pen to paper on matters that fell within Hanmantráo's peculiar cognisance. These facts account for the absence of all but direct oral evidence, and the corroborative evidence of account books. One side was afraid to correspond, the other found it unnecessary to do so. If any letters did happen to pass, the feeling of self-protection caused the recipient, contrary to the custom of natives generally in dealing with their correspondence, instantly to destroy them.

7. It may seem inexplicable that the whole body of an intelligent and powerful class of revenue officials should fall victims, as described above, to the extortion of a single official, however influential he may be, but to those who realise the relative position of a Commissioner and a Mámlatdár in the Bombay system the possibility of the moral collapse is not the least incredible. After a candidate for a mámlat has qualified, first by satisfactory service in a subordinate revenue post, and then according to the departmental higher standard, his future lies almost entirely in the hand of the Commissioner. In case of general inefficiency or of misconduct, notably in magisterial work, the Collector will necessarily report to the Commissioner, but the latter is at liberty to either act upon or to disregard the suggestion made, and if he thinks there is any bias on the part of the Collector, can simply remove the man reported against to another district, and give him another chance under fresh supervision. It has been indicated above how promotion can be awarded on arbitrary considerations by the Commissioner, who is under no obligation to pay heed to any report made about a Mámlatdár by the Collector. It is usual, again, for the ranks of Deputy Collector to be recruited from amongst the most deserving or promising of the Mámlatdars, and the selection is invariably left to the discretion of the Commissioner, who acts as referee to the Private Secretary to the Governor on the subject. Thus the whole career of a revenue officer, from head kárkun upwards, that is, from a salary of Rs. 40 to that of Rs. 800 or over, can be made or marred by the Commissioner alone, without risk of interference from either a Collector or from Government. An example of this independence of action will he found in the case of D. B. Paránjpe, and Mr. Crawford's evidence thereon both before the Commission and before the magistrate. Another is that of Kelkar, who was described by Mr. Crawford on the 26th June 1886 as eleventh in the fourth or last grade only of Mámlatdárs and having several men above him with vastly superior claims and recommending Kelkar to be "patient and modest" (Exhibit DT), whilst only ten months afterwards, on a second application by Kelkar, Mr. Crawford gave it his "unqualified support" as the applicant was "at once one of the best and *most*

reliable of his Mámlatdárs," and stating that it would not be long before Kelkar got his second grade (Exhibit GA). On looking at the Civil List, on which Mr. Crawford must have been relying at the latter date (Exhibit 53), it will be found that Kelkar, so far from being near the second grade, was only temporarily in the third, and 15 months later, at the time of Mr. Crawford's suspension, was last but two in that grade. Somewhat similar caprice was exhibited as regards the claims of Messrs. Bápat and Deshpánde.

8. Other examples can be found on perusal of the exhibits filed before the Commission, and show what distance there is between Government and its Mámlatdárs, and what little chance a Mámlatdár has of redress against any action on the part of the Commissioner of which he may think himself justified in complaining.

9. Though there is so little evidence available of Mámlatdárs who give bribes, it is, I think, a matter of common experience that the reputation of one of these officers who takes them is soon brought to the ears of his European superior, whether the corrupt dealing arises in the course of revenue or of magisterial duties. It is a matter for congratulation that except in the case of one man (Khásnavis) no charge of such misconduct has been made against any of the Central Division Mámlatdárs who have come forward during the inquiry, and no evidence has been found, though no doubt the question has been suggested, of any tendency on their part to recoup themselves, after Mr. Crawford's benevolences had been paid up, by corresponding levies in their own charges. It is highly improbable that any general system of bribe-taking in magisterial work would not leave on the record a trace which would be soon discovered in the course of the double scrutiny to which the returns of cases are subjected. Two suspicious features which have been described to me during my service as district officer, though not in the Central Division, are almost certain to thus attract notice, namely, the predominance of sentences of fine and the large proportion of cases discharged, and these characteristics are only likely to be found in wealthy tracts with an educated and litigious population, not in the plains of the Deccan. The most insidious device, and that in which it is necessary to trust to outside information, is one said by Hanmantráo to have been made use of in the Commissioner's office in watan appeals, namely, to find out which party is in the right and take a fee for deciding in its favour. There is no evidence, as has been said above, that this plan was especially favoured by the Mámlatdárs who admit having paid bribes, but from the remarks of the Commissioners on the Penal Code, quoted by the Honourable Sir R. West in his minute on this inquiry, there is no reason for believing that the Deccan is entirely free from a taint which those Commissioners held to affect the whole country. This, however, is not a matter relevant to the present investigation, the result of which is to show that whatever the moral weakness of the Mámlatdárs, the initial impulse to the corruption that centred in Hanmantráo and other agents was given by, and was personal to, the official entrusted by Government with the administrative supervision of the Division.

J. A. Baines.

The following account of the discovery of Mr. Crawford's corrupt dealings and of the steps taken by Government on that discovery has been already placed on official record, but is added here to complete the narrative:—

Some four or five years ago, when Mr. Crawford was serving as Commissioner of the Southern Division, reports sprang up that he was corrupt and was in the habit of taking bribes. Gradually these rumours reached the ear of Government, but they were so vague and intangible that it was impossible to take any definite action on them. In the meanwhile from two directions Government received intimations or hints that the position of affairs was unsatisfactory. Officers serving under Mr. Crawford complained of his irregular actions in the transfers of Mámlatdárs and of his interference; while from time to time decisions by the Commissioner came up on appeal which it was difficult to reconcile with his experienced and acknowledged ability.

At the end of March 1886 Mr. Crawford was, on Mr. Robertson's retirement, transferred from the Commissionership of the Southern to that of the Central Division. In the latter as in the former Division the same indefinite rumours of corruption prevailed after a time, but no substantial intelligence on which the Governor in Council could act was received by Government, until at the close of last April

Mr. Bhimbhái Kirpárám, Assistant to the Director of Agriculture, an officer on the list of Deputy Collectors of considerable ability and good character, went from Poona to Mahábaleshvar and there sought a confidential interview with the Chief Secretary to Government, to whom he made detailed statements regarding alleged misconduct by Mr. Crawford in connexion with the arrangements for the sale of the Bhadgaon Farm property in Khándesh to Mr. Khimji Jiva of Bombay, who was believed to be one of his principal creditors, concerning the organised system of bribery and extortion under Mr. Crawford's administration which he said obtained in the Central Division, and with reference to the means and agencies through which Mr. Crawford obtained money from subordinates, watandárs, and other persons in payment for promotions, transfers, favourable orders or recommendations, and the exercise generally of his official influence.

Intimation of this interview and of what transpired thereat was duly communicated by the Chief Secretary to Government, and confidential inquiries were thereupon set afoot in Khándesh and Bombay to discover further particulars as to what occurred at Bhadgaon and to ascertain, if possible, whether Mr. Crawford was indebted to Mr. Khimji Jiva. The result of these inquiries was in the main negative. No definite information could be secured regarding Mr. Crawford's indebtedness to Khimji Jiva, nor could corrupt action be established in the matter of the Bhadgaon Farm sale, though Mr. Crawford's conduct and the concessions granted by him to Khimji Jiva were such as to afford strong ground for suspicion when taken in combination with the reported facts that Mr. Crawford owed Khimji Jiva money, that he and Khimji Jiva were on very friendly terms, and that the latter had actively interested himself a few months previously in making arrangements with some of Mr. Crawford's creditors for a settlement of their claims. Corroboration to a certain extent of Mr. Bhimbhái's allegations concerning general corruption and the employment by him, as his chief agent for receiving bribes, of one Hánmantráo Rághavendra, who was stated to have served Mr. Crawford in a similar capacity in the Southern Division, was obtained from Mr. Keyser, the Collector of Poona, and Mr. Muir-Mackenzie, the Director of Agriculture.

At length, on May 23rd last, Mr. Bhimbhái Kirpárám addressed an official letter to Government, making specific charges against Mr. Crawford to the effect that he was indebted to the extent of about Rs. 15,000 to one Bháu Mansárám, a contractor and financier resident in Poona, and forwarding copies of two bonds given by Mr. Crawford to Bháu Mansárám; that Hanmantráo was an active agent of Mr. Crawford in receiving bribes; that there were other agents in Poona employed by Mr. Crawford to further his corrupt practices, one being a Mussalman named Abbás and another a Bráhman called Ánant Bhat Pálande; that Government files and records were frequently taken, with Mr. Crawford's consent, from his bungalow to Hanmantráo's house, where they were utilised for improper purposes; and that Mr. Crawford had given appointments in his office to relatives of Hanmantráo and Pálande, though not qualified under the rules for employment.

Early in June the head-quarters of Government were moved from Mahábaleshvar to Poona, and confidential inquiries were then instituted into the various allegations before Government accusing Mr. Crawford of grave misconduct. Mr. Ommanney, the Acting Inspector-General of Police, was directed to carry on the investigation, and devoted most of his time to this delicate duty. Several Native officials and gentlemen of good position who were known to possess information, including the Honourable M. V. Barve, Messrs. Pendse and Sáthe, Assistants to the Commissioner, C.D., Mr. S. P. Pandit, Deputy Collector at Ahmednagar, and Mr. N. B. Joglekar, a retired Deputy Collector and Honorary Magistrate of the First Class, were sent for in the first instance by the Chief Secretary, and gave to him a mass of detailed information of specific cases of bribery and extortion by Mr. Crawford and his agents, which proved of very great value and enabled Mr. Ommanney after further interviews with most of them to inquire minutely into divisional cases and follow up the clues afforded. Mr. Bhimbhái Kirpárám also furnished additional information, and addressed a second official letter to Government on June 20th, in which he supplied particulars of a Sátára watan case in which Mr. Crawford was believed to have acted corruptly, and pointed out a series of suspicious promotions and appointments made by Mr. Crawford amongst officers of the Mámlatdár class and others.

By July 10th a large number of cases of alleged corruption on Mr. Crawford's part had been reported, and some of them had been inquired into, the persons concerned examined, and corroborative evidence to a certain extent, verbal and documentary, obtained. Several statements had been recorded, and from these statements it seemed

to the Governor in Council that the original complaint preferred against Mr. Crawford was only too well-founded. The evidence forthcoming seemed to point very strongly to the conclusion that Mr. Crawford had been systematically receiving bribes and extorting money, selling the appointments in his gift, and using his official powers and influence as means of extracting money from petitioners.

In addition to the evidence as to corruption, there were statements showing Mr. Crawford's indebtedness generally, and that he had borrowed money for various purposes from his subordinates which he had never repaid. What was not ascertained and has not yet been discovered was how Mr. Crawford disposed of the very large amount alleged to have been realised by him by corrupt means. The money is supposed to have been remitted from time to time to Europe, but when or through what agency Government have hitherto been unable to learn.

Towards the middle of July, whilst Government were considering the information and statements placed before them as the result of the confidential inquiries held during the preceding two months, Mr. Crawford, who had been pressed by some of his Native creditors and had received at least one letter from solicitors demanding payment, was reported to have had resort to excessive drinking, with the consequence that his health was affected and symptoms of heart complaint manifested themselves. He under medical advice moved from his bungalow at Kirkee to the club at Poona, and was also under medical advice meditating applying for leave at once. In these circumstances the Governor in Council arrived at the conclusion that it was expedient at once to suspend him from office before he could ask for leave or leave the country, as, if he once effected his departure from India, it was probable that he would never return, and had Mr. Crawford left India in the circumstances a grave public scandal would have been created. On July 16th, accordingly, upon a consideration of all the facts, orders were issued directing the suspension of Mr. Crawford, the prosecution on a criminal charge of his chief agent Hanmantráo, and the suspension of two subordinate officers supposed to be deeply implicated.

When directing Mr. Crawford's suspension on July 16th, the Governor in Council had not finally decided whether eventually Mr. Crawford should be prosecuted under the Penal Code or should be tried by a Commission under Act 37 of 1850. Further consideration on this important point was felt to be necessary, and before a final settlement it was deemed expedient to take the opinion of the law advisers of Government. But matters were precipitated by Mr. Crawford's own action. Immediately after his suspension he returned on July 16th to his own house at Kirkee. There he remained until about 11 P.M. on the night of the 17th, when he left the bungalow, placing on a table two notes for his brother who he knew was arriving from Bombay by the late train that night. His brother on reaching the house found that Mr. Crawford had disappeared, leaving behind the notes. One of the notes is believed to have contained a defence of himself against the charges brought against him; the other is believed to have been an intimation that he was going to Holkar's Bridge, about half a mile from his house, with the intention of drowning himself, and a request that his wife would pray for him. The brother, Mr. Leslie Crawford, at once drove into Poona and saw Mr. Propert, the Commissioner, Southern Division, and Colonel Babington, the District Superintendent of Police, whom he informed of Mr. Crawford's disappearance and of the purport of the two letters he had left. Colonel Babington and Mr. Propert went with Mr. Leslie Crawford to Kirkee, and search was made, but fruitlessly, along the river's bank and at the bridge for Mr. Crawford. In the meantime Mr. Ommanney, who had been informed of the disappearance or Mr. Crawford, posted European police officers to watch for him at the Poona and Kirkee railway station, disbelieving in his intention to commit suicide. Half an hour or so before the Madras mail train started from Poona for Bombay at 5.15 A.M. Mr. Crawford appeared on the railway platform at Poona, and was at once recognised by the European detective waiting there, though disguised as a tramp and wearing an old long coat, tennis shoes, a wideawake slouched over his face and a false grey beard and with a muffler round his neck. Mr. Crawford obtained a third class ticket to Thána and entered a third class compartment, in which, however, he only travelled as far as Kalyán, where he left the mail train, and after staying an hour or two went on by a later train to Bombay, going in a second class compartment. This train he left at Masjid Bandar Station midway between Victoria Terminus and Byculla, proceeding thence to a low hotel, frequented by sailors chiefly, close to the Prince's Dock. From this hotel he sent a letter to the purser of the Peninsular and Oriental Company's S.S. "Teheran" which was leaving that evening for Colombo and China, stating that he had just arrived from Jabalpur ill, was ordered to take a sea journey, was a stranger in Bombay and unacquainted with

the locality, was informed that the P. and O. office was some distance off in the Fort, and asked that he might be allowed to go on board at once and pay for a second class ticket there as far as Colombo. This letter was signed "James Compton," and was entirely in Mr. Crawford's handwriting. The chief steward replied that he could not take the passage money on board, and that the ticket must be obtained at the office in the Fort.

In the meantime the fact of Mr. Crawford's flight in disguise from Poona with the obvious intention of absconding from India and eluding inquiry and justice by getting away in the P. and O. steamer leaving Bombay that evening had been reported by Mr. Ommanney to Government. The necessity for immediate action was apparent as Mr. Crawford was clearly bent on escape from India that day, and the only legal and practicable way of stopping the fugitive was to obtain a warrant for his arrest from a magistrate. Mr. Ommanney was directed accordingly to lay a criminal information forthwith against Mr. Crawford before the District Magistrate of Poona in one of the numerous cases coming under Section 161 of the Indian Penal Code which had been reported to Government, and to move the magistrate to issue a warrant under Section 90 of the Criminal Procedure Code for his arrest. This was done, and that same afternoon Mr. Crawford was arrested by the Bombay police at the hotel near the dock. He was brought up to Poona that night by Colonel Portman, the Superintendent of the G. I. P. Railway Police, and on the following day was admitted by the magistrate to bail.

The hearing of the case against Mr. Crawford was as originally fixed to commence on August 1st. During the interval between his arrest and liberation on bail and that date efforts were made to complete the evidence in some of the cases in which accusations of receiving bribes directly or indirectly had been preferred. To assist Mr. Ommanney in his investigations the services of a selected District Superintendent of Police and of a junior civilian were placed at his disposal, and Mr. Bhimbhái Kirpárám was also directed to render such aid as he could. Inquiry was made into the numerous fresh cases which were daily coming to notice, and additional corroborative evidence was sought for in the older cases. The Solicitor to Government, Mr. Little, was summoned from Bombay to aid Government, and Mr. Ommanney with his skilled advice, and finally Mr. Jardine, one of the leading counsel at the Bombay bar, was called to Poona to assist in the determination of the course to be adopted by Government in the proceedings against Mr. Crawford. The result of the consultations held was a decision by the Governor in Council to apply for a further adjournment on the grounds that a sufficient period had not elapsed to permit of the completion of the evidence in the cases on which it was suggested to bring Mr. Crawford to trial, and that more time was all important to secure further evidence and to allow other accomplices to come forward. The adjournment for 15 days was applied for on August 1st, and granted by the District Magistrate, although opposed by the counsel appearing on behalf of Mr. Crawford. Messrs. Jardine and Little were of opinion that in view of the facts that Mr. Crawford was an English official of high standing well known in all circles in Bombay, and very popular in many, that the evidence against him was entirely Native, and furthermore was to a great extent tainted, being that of the givers of the bribes, however involuntarily and under compulsion, or of persons who knew that the money was being paid as a bribe, there was little probability of obtaining a conviction on a trial before a Bombay jury. Mr. Jardine also advised that, having regard to the multiplicity of charges and to the fact that the strength of the case against Mr. Crawford depended considerably upon the frequent iteration of the accusations against him by persons of good position from many different parts of his division, and to the impossibility of bringing such a general charge before a criminal court, Government should appoint a Commission under Act 37 of 1850 to inquire into it. After carefully weighing, however, all the considerations *pro* and *con.*, it seemed to the Governor in Council to be preferable to seek the adjournment in order, as before stated, to secure more time for the production of evidence, and to defer final decision as to withdrawing the criminal proceedings until the evidence was more complete and the opinion of the Honourable the Advocate-General in conjunction with Mr. Jardine could be obtained as to the desirability of that step and of appointing a Commission.

The first few days after the adjournment had been obtained on August 1st were devoted to classification and analysis of the cases against Mr. Crawford, and to endeavours to perfect the evidence in some of the strongest. On the receipt of further reports from the officers engaged on this task, Messrs. Little and Ommanney were sent to Bombay with all the statements recorded, and other evidence available to obtain the joint opinion of the Honourable the Advocate-General and Mr. Jardine as to the

procedure which should be followed. These counsel advised that in view of all the circumstances the criminal prosecution of Mr. Crawford should not be proceeded with, but that he should be tried before a commission.

In considering this opinion the Governor in Council did not conceal from himself the fact that withdrawal from the criminal proceedings against Mr. Crawford might be open to misconstruction. The alternative of prosecuting two or three of the strongest cases at once in the criminal courts, and of afterwards appointing a commission to inquire into the other numerous allegations against the accused was also considered; but it was felt that this course was undesirable, inasmuch as it would seem to savour of persecution, and this objection would attach to it, whether a conviction was obtained in the criminal courts or not. On the other hand, by resorting to a commission in the first instance, the Government would be quite free, if at the close of that commission's proceedings it should be thought desirable to direct the resumption of proceedings in the criminal courts. The impossibility of bringing under the investigation of the criminal courts all the numerous malpractices attributed to Mr. Crawford also appeared to the Governor in Council to be a serious drawback attending the continuance of the proceedings in those courts. Government have all along felt that it should be made quite clear that these malpractices, which are well known to the whole of native society, should not appear to be in any way condoned by Government. The suppression of any of the principal allegations would lead to a misconstruction of the motives of Government far graver than the possible misunderstanding of the reasons for the withdrawal of the criminal proceedings. It seemed also that it was due to Mr. Crawford himself, as well as to the large number of officials and others who have come forward to give evidence, that the case should be thoroughly investigated by a tribunal competent to deal with it in its entirety.

On these grounds the Governor in Council determined after full consideration to act upon the opinion of the Honourable the Advocate-General and Mr. Jardine; and when this decision had been come to it seemed fair to Mr. Crawford that no time should be lost in giving effect to it. Mr. Little was therefore directed to withdraw the charge against Mr. Crawford in the District Magistrate's Court, and to inform Mr. Crawford's solicitors that Government had decided to appoint a commission under Act 37 of 1850, to inquire into the accusations against Mr. Crawford. The following extract from Mr. Little's letter to Messrs. Craigie, Lynch, and Owen, Mr. Crawford's solicitors, further explains the reasons which actuated Government in determining upon this course:—

"2. I am further instructed to state that at the time when the present information was filed in the court of the district magistrate of Poona against your client, Mr. Crawford had been but recently suspended from his office as Commissioner, Central Division. His suspension was due to circumstances which rendered it impossible for his Excellency the Governor in Council, pending a more full inquiry, to continue to place confidence in his administration of his office, but Government had not at that time considered what tribunal could most fittingly be charged with a formal inquiry into the matter.

"3. Whilst the preliminary investigation necessary to enable Government to arrive at a decision on this point was still going on, Mr. Crawford's flight from Poona and attempt to escape from India compelled Government to institute proceedings against him in the Magistrate's Court. That investigation has since been continued, and has now reached a stage at which Government are able to form the conclusion that the method best adapted for dealing in the first instance with a case of this nature, which will involve an inquiry into a general charge based upon a large number of distinct allegations, will be by a commission appointed under the above Act." *

The charges against Mr. Crawford were comprised under three heads:—

(1) Bribery and corruption;

(2) Indebtedness within his Division;

(3) Disgraceful conduct in borrowing from subordinates.

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* Act 37 of 1850.

No. 7.

DESPATCH from the GOVERNMENT OF BOMBAY to HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR INDIA IN COUNCIL. (Revenue.)

No. 10 of 1889.

MY LORD, Bombay Castle, March 15, 1889.

IN continuation of our Despatch No. 8, dated the 1st instant, we beg leave to forward herewith the accompanying copy of a minute by the Honourable Sir R. West, K.C.I.E.

We have, &c.,
(Signed) REAY.
J. B. RICHEY.
R. WEST.

Enclosure to No. 7.

MINUTE by the HONOURABLE SIR RAYMOND WEST, K.C.I.E., dated the 14th March 1889.

IN order to prevent misapprehension I think it well to add a note to my reference to the Statute 5 and 6 Edward VI. cap. 16, in paragraph 9 of my minute on the Crawford case. That statute was by the Statute 49 George III. cap. 126, extended to offices "belonging to or under the appointment or control" of the East India Company. I have been accustomed to regard the latter statute as bearing only on places in the gift or requiring the confirmation of the East India Company, that is, of the Court of Directors. On the abolition of the East India Company's Government it seems that the part of the statute of 49 George III. to which I have referred must have ceased to operate for want of the person or subject to which it was to apply. There may, however, be a doubt on this point under Statute 21 & 22 Vict. c. 106, ss. 29 and 30. The point is not very material for the purpose of the argument in which reference is made to the statute of Edward VI.—an argument against the imputation of general moral depravity to purchasers of offices derived from the different practice in England and France, but the earlier English statute having been cited the latter extension of it ought no doubt to have been mentioned.

R. WEST.

14th March 1889.

No. 8.

DESPATCH from the SECRETARY OF STATE FOR INDIA IN COUNCIL to the GOVERNMENT OF BOMBAY.

(Public, No. 6.)

India Office, London,
MY LORD, March 29, 1889.

I HAVE considered in Council the letter of your Government, No. 8, Revenue, dated the 1st inst., forwarding a copy of the Report of the Commissioners appointed under Act 37 of 1850, to inquire into certain charges of the corrupt receipt of money and of improperly borrowing money, made against Mr. Arthur Travers Crawford, C.M.G., of the Bombay Civil Service, and Commissioner of the Central Division of that Presidency, together with a copy of the record of the proceedings and the evidence.

2. The Commissioners find Mr. Crawford is not guilty on the charges of corruption. But your Excellency in Council is unable to accept their conclusions in their entirety, being of opinion that the evidence establishes, beyond all reasonable doubt, that Mr. Crawford did accept illegal gratifications for showing favour, or forbearing to show disfavour, in the exercise of his official functions. You observe, moreover, that Mr. Crawford is shown to have borrowed largely in contravention of the rules of the Service; and you give it as your opinion that he is, under the circumstances described by you, disqualified for the service of Government.

3. With regard to the charges of corruption, whatever might have been my opinion if I had been called upon to decide this matter upon the printed evidence alone, I feel bound to attach great weight to the fact that they have been inquired into by a very

strong Commission, the members of which, during a sitting of no less than 67 days, had the advantage (which neither the Government of Bombay nor the Secretary of State could have) of seeing and hearing the witnesses, and that, in their opinion, none of the charges of corruption are established. That being so, I am not prepared to overrule the Commissioners as to any of these charges, and I have decided not to disturb their finding on them so far as it concerns Mr. Crawford personally.

4. As to that part of the case, however, which relates to improper borrowing of money, the conclusions at which the Commissioners have arrived are most unfavourable to Mr. Crawford.

5. The Commissioners find that between the 12th of February 1887 and the 19th of June 1888, Mr. Crawford borrowed from certain natives of India, within the Division of which he was in administrative charge, various sums amounting to about Rs. 66,000.* This violation of the rules of his service itself renders an officer liable to dismissal. But the circumstances under which these moneys were borrowed, and the character and consequences of the pecuniary embarrassment to which Mr. Crawford had brought himself, as they are stated by the Commissioners in their Report, disclose a condition of things altogether lamentable and inconsistent with the possibility of the proper administration of the Division at the head of which was placed, or indeed of the due performance of his public duties anywhere.

6. The Commissioners say in their Report :—

"During the whole time that he has been Commissioner of the Central Division, as well as before that time, Mr. Crawford has been continually borrowing money in Bombay, in Poona, and elsewhere. He has kept no accounts, and has, we are satisfied, no real knowledge of his pecuniary position. The prosecution, under charge No. 33, showed borrowings within the Division in 1887 and 1888 amounting to about Rs. 66,000, of which there is some evidence to show that about Rs. 40,000 came to Mr. Crawford's hands in cash, but on the latter point we cannot speak with certainty. Of these loans not less than Rs. 40,000 is still due for principal. For the defence, borrowings have been shown to the nominal amount of about Rs. 1,50,000. Most of the transactions proved belong to the later part of the time over which they extend, and a very large part to 1888. There is strong reason to think that, as Mr. Crawford says, these transactions are very far from exhausting his borrowings. We can form no opinion as to how far these borrowings resulted in actual cash paid to Mr. Crawford, and how much was of the nature of renewals; nor do we know how far the cash that he did receive had to go to pay off earlier loans by other persons, and how far it was available for his own use. . . . . Amid all this confusion two things seem to us to stand out clearly. Mr. Crawford was in a state of extreme embarrassment. This is plain, from the disproportion between his income and his expenditure. It is shown also by the fact that he had to employ several agents to raise money for him and to borrow in several different places, and by the further fact that in 1888 he was borrowing at a rate of interest of 24 per cent. per annum. . . . . For the purpose of raising loans and dealing with his creditors, Mr. Crawford employed several agents, and one of the agents so employed was Hanmantráo Raghavendra, the man who is alleged to have been a general agent to obtain bribes. He was employed to deal with the Poona lenders. . . . . All who know anything of this country can understand that Hanmantráo was thus placed in a very dangerous position. One who is intimate with, and is supposed to have the ear of, any dispenser of patronage is naturally an object of attention on the part of candidates for appointments. If such a person be corruptly inclined he has always a chance of making his position a means of obtaining money; and the danger was especially great in the case of a man who, like Hanmantráo, was Mr. Crawford's agent for raising money. We think it clear that

Pp. 7–9 (page 10 this paper

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* "The thirty-third charge consists of two parts. The first part charges Mr. Crawford with having borrowed money from certain persons, native-born subjects of Her Majesty, within the Division of which he was in administrative charge. Mr. Crawford, when pleading to this charge, admitted having borrowed from several persons mentioned in the charge, and no other cases were established. It was necessary to call evidence only to show the amounts borrowed, and that the lenders were at the time of lending within the Division of which Mr. Crawford was in charge. It was thus shown that Mr. Crawford borrowed from Santapchand Navalchand, carrying on business in Poona under the firm of Sobháchand Mánekchand, the following sums :—Rs. 9,000 on the 10th of September 1887, Rs. 3,000 on the 10th January 1888, and Rs. 5,000 on the 7th May 1888. He borrowed from the Poona firm of Kering Amarchand Rs. 20,000 on the 13th of February 1887, Rs. 2,500 on the 8th of September 1887, and Rs. 6,000 on the 12th of March 1888. He borrowed from Sorábji Cowásji Captain, of Poona, Rs. 8,000 on the 10th December 1887, and Rs. 6,000 on the 9th of June 1888. He borrowed from the firm of Jasrup Punamchand Rs. 4,000 on the 29th of October 1887."—See Report, page 119, (page 123 of this paper).

what might have been feared happened in the present case. We think it is shown that that mixture of corruption, with some degree of extortion, which in this country springs up so readily and spreads so rapidly, if the circumstances be favourable, was prevalent round Mr, Crawford. Nor do we see any reason to doubt that Hanmantráo took an active part in it. . . . . However, so far as Hanmantráo is concerned, the responsibility of placing him in a position in which he could improperly obtain money rests upon Mr. Crawford."

. 9 (page 1 of this aper).

. 15 (page 8 of this aper).

Again, it is said in the Report,—

"Another point we have had to consider in its bearing upon the general case is the extreme disproportion between the share of Mr. Crawford's pay available to him for his own use and the amount which he is shown to have expended, including his remittances to the Comptoir d'Escompte and to Messrs. Watson & Co., as well as his personal expenditure. The suggestion was that the difference must have been obtained corruptly. But he had another source of supply in extensive borrowing. We have already given the facts and figures, so far as they could be ascertained. Our opinion is that, down to the date of his suspension,* Mr. Crawford was still in a stage on the road to ruin, at which he found it possible by borrowing, not only to satisfy or silence old creditors, but to meet his current expenditure as well. The bearing of the evidence as to Mr. Crawford's pecuniary position upon the charges of corruption appears to us to be this. A man so embarrassed as he was is under greater temptation to corruption than other men. On the other hand, we cannot but think that, in the mind of any man of Mr. Crawford's antecedents, and holding the position he held, there must be a wide gulf between the most reckless borrowing and actual corruption."

7. That this part of the case is not put by the Commissioners in a light by any means too unfavourable to Mr. Crawford is shown most clearly by the evidence given by Mr. Crawford himself in the course of the trial of Hanmantráo, and also before the Commission of Inquiry.

8. Having given this unfortunate matter my most careful consideration, I have no choice but to agree with your Excellency in Council that Mr. Crawford is disqualified for the public service, and to order the removal of his name from the list of Bombay Civil Servants.

9. I desire to say that I fully appreciate the efforts which have been made by your Excellency in Council to ascertain, under painful and difficult circumstances, the truth regarding the many serious charges of corruption which have been the subject of this inquiry. The information placed before your Government was such as to render it necessary that an inquiry should be held, in order to maintain and vindicate that purity in the administration of public affairs which has been so marked a characteristic of the Civil Service in India.

10. This Despatch, as will be perceived, refers only to the charges against Mr. Crawford, so far as they affect him personally. Other questions have arisen incidentally which your Excellency in Council is treating separately, and which will be considered by me hereafter as soon as I shall have been put in full possession of your opinion regarding them.

11. I authorise the publication, in such manner as you shall think proper, of this Despatch, together with your letter to which it is a reply, and the Report of the Commissioners.

I have, &c.,
(Signed) CROSS.

To his Excellency the Right Honourable
the Governor in Council, Bombay.

No. 9.

From SECRETARY OF STATE to GOVERNOR, Bombay, 9th April 1889.

Crawford Despatch will reach you about Monday next. With reference to last paragraph of your Revenue Despatch No. 9, I quite approve of your considering state of service generally, and shall await your report with interest. As to incriminated

* 16th July 1888.

magistrates, general rule must be that those who have given bribes must be deprived of magisterial functions, and must leave it to you to discriminate between cases, but I appreciate importance of pledges given by Government, and also leave it to you to provide such compensation for individuals as you may think necessary. Prompt action is essential. You are at liberty to make known my views if you think advisable. Have all who confessed corruption been suspended? See my telegram of 7th February.

No. 10.

From GOVERNOR, Bombay, to SECRETARY OF STATE, 13th of April 1889.

Your Lordship's telegram 9th April. General rule does not necessitate further suspensions besides those ordered on receipt of your telegram of 7th February, as definite orders will be promptly issued in case of subordinate officers on receipt of despatch regarding Crawford case expected here on Wednesday.

No. 11.

From GOVERNOR, Bombay, to SECRETARY OF STATE, 16th of April 1889.

Despatch arrived.

EAST INDIA (CRAWFORD CASE).

RETURN to an Address of the Honourable The House of Commons, dated 14 February 1890;—*for*,

"RETURN giving COPIES of, or EXTRACTS from, CORRESPONDENCE with the GOVERNMENTS of INDIA and BOMBAY as to the MAMLATDARS incriminated in the CRAWFORD CASE."

India Office,
18 March 1890.

A. GODLEY,
Under Secretary of State for India.

(Mr. Bradlaugh.)

Ordered, by The House of Commons, *to be Printed*,
20 *March* 1890.

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100.

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COPIES of, or EXTRACTS from, CORRESPONDENCE with the GOVERNMENTS of INDIA and BOMBAY as to the MAMLATDARS incriminated in the CRAWFORD CASE.

— No. 1. —

COPY TELEGRAM from Secretary of State to Governor, Bombay, dated 6th February 1889.

PLEASE telegraph early information about alleged retention in office of Bombay native magistrates who have confessed corruption before Crawford Commission.

— No. 2. —

COPY TELEGRAM from Governor, Bombay, to Secretary of State, dated 7th February 1889.

YOURS yesterday. Report of Commission, just received, is under consideration. In dealing therewith the incidental question of magistrates' retention or removal will be duly considered.

— No. 3. —

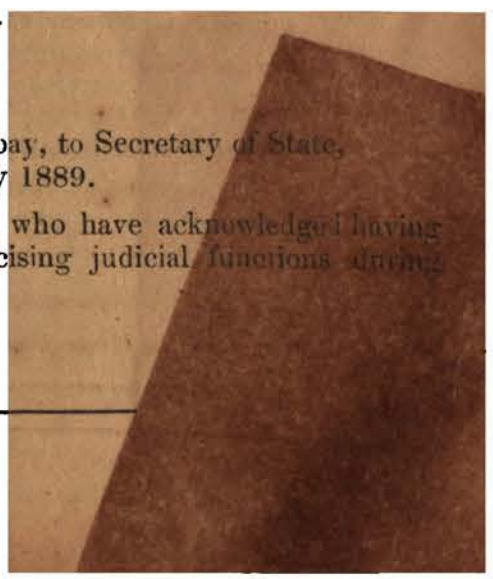
COPY TELEGRAM from Secretary of State to Governor, Bombay, dated 7th February 1889.

YOUR telegram of to-day. I await full information as to facts before expressing any opinion myself, but I presume incriminated magistrates are suspended from exercising judicial functions pending consideration of case.

— No. 4. —

COPY TELEGRAM from Governor, Bombay, to Secretary of State, dated 8th February 1889.

YOUR telegram of yesterday. Magistrates, who have acknowledged having purchased their offices, suspended from exercising judicial functions during consideration of Report.



— No. 5. —

LETTER, dated Bombay Castle, the 15th February 1889, from the Government of Bombay to Her Majesty's Principal Secretary of State for India in Council.

My Lord,

IN continuation of, and with reference to, our telegrams marginally entered, dispatched to your Lordship on the 7th and 8th instant, we beg to inform your Lordship that we have suspended from the exercise of all judicial functions as magistrates five mamlatdars and one head karkun employed in the Central Division of this presidency.

To
London.
Vacerram.
7 February 1889.
Your Lordship's telegram of yesterday. Commission's Report, just received, under consideration. In dealing therewith, incidental question of magistrates' retention or removal will be duly considered.

To
London.
Vacerram.
8 February 1889.
Your telegram of yesterday. Magistrates, who have acknowledged having purchased their offices, suspended from exercising judicial functions during consideration of Report.

2. The officials with whom we have thus dealt were those who, when examined before the Commission, stated that they had paid money in order to obtain appointments to which were annexed magisterial powers, or powers of a higher class than those which at the time they gave the bribes they were exercising. Numerous other officials in similar posts gave evidence before the Commission to the effect that they had paid money to Mr. Crawford or his alleged agents, but their cases are more complicated, and in respect of them a decision can only be arrived at after mature deliberation and careful consideration of all the circumstances in each individual instance. The circumstances in the different cases are so complex and various that they can only be appreciated on deliberate consideration of the entire case. The final disposal even of the question of the native officials who have now been suspended from the exercise of magisterial powers must await our general judgment on the case as a whole. The function which this Government is now called on to discharge is in its essence a judicial one, and in our opinion no intermediate order should now be passed which would prejudice our final decision, and all incidental questions must remain undecided, save as to provisional and necessary arrangements, until that judgment is arrived at.

3. The information before this Government in July last, which led to the issue of the order for Mr. Crawford's suspension, was briefly to the effect that he had abused his authority for the purpose of procuring the payment to him of money by officers whose official reputation and prospects were in his hands as Commissioner to make or to mar. In order to obtain the only evidence which could be procurable if our information was correct, it was obviously necessary that the officers who were believed to have paid should be guaranteed, or at least that those who required it should be guaranteed, against injury arising out of admissions made by them if they told the truth freely and frankly as concerned the alleged payments. The alternatives, and the only alternatives, before this Government at the time were either to deal with these officials as accomplices to be arraigned with Mr. Crawford, in which case little if any evidence would have been forthcoming regarding what we believed to be a gigantic and most serious evil and scandal, or to treat them as witnesses, in which case it was necessary to grant them the indemnity under which alone they could be expected to testify. We had the less reason to hesitate in authorising the adoption of the latter course because the alleged transactions, as they were reported to us, partook rather of the nature of extortion than of a simple payment of voluntary bribes.

4. The indemnity offered involved the retention in office of certain revenue officers who are also officers holding second or third-class magisterial powers. We have the honour to annex a copy of the correspondence which passed between two of the Judges of the Bombay High Court and this Government on the subject of the retention of these officers in the charge of their magisterial functions. The action taken by the two Judges had not the concurrence of the majority of the honourable Court, and had we, at the time the

the communications were addressed to us by them, taken any action, the necessary result would have been to deter witnesses from disclosing the whole truth in the inquiry which was then proceeding before the Commission.

5. Now that the Commission has submitted its Report the situation does not appear to us to be altered, except that we are now required to judge whether the conditions on which the indemnity was promised have been fulfilled in each case. The officers who admit that they have made payments were, with perhaps one or two exceptions, men of good reputation and excellent previous character. They were men who had never used such means during their previous service when employed in the same division under Mr. Crawford's predecessors, and it was only when, in Mr. Crawford's time, administrative supervision became completely relaxed, and gross abuses sprang up, that they succumbed to the prevailing and pressing temptation. Assuming that they spoke the truth, there was little that transpired during the proceedings of the Commission to indicate serious departures, in the great majority of instances, from the standard by which must be judged the conduct of subordinate native officials in their position in such circumstances as those alleged by each, which would not have arisen if the administration of the Central Division had been conducted on the same principles as in the other divisions.

6. In accordance with what we presume to be your Lordship's wishes, we have suspended from the discharge of magisterial functions those of the native officers in whose cases a higher degree of moral laxity was indicated by their own statements, but we would strongly deprecate, for the reasons above given, the adoption of such a course in respect of all the officials who have admitted that they made payments. To do so would, we submit, be to produce a temporary general paralysis of the administration in the Central Division of this presidency, to discredit grievously the good faith of Government, to encourage the men who, having themselves paid or connived at the payment of bribes, have resolutely denied all knowledge of such transactions, and thwarted the endeavours of Government to obtain evidence, and to constitute a premium hereafter on corruption, guilty silence, or positive falsehood.

We have, &c.
(signed) *Reay.*
J. B. Richey.
R. West.
Arthur.

Enclosure No. 1, in No. 5.

LETTER, dated Bombay, 23rd November 1888, from the Honourable Mr. Justice *Jardine*, Judge of Her Majesty's High Court of Judicature, Bombay, to his Excellency the Governor of Bombay in Council.

DURING the last vacation of the High Court of Judicature I was the Judge to whom was chiefly confided the administration of the jurisdiction of superintendence and the control of the inferior courts and officers. In the exercise of those duties I brought under the consideration of the Chief Justice and Judges the sworn statements of certain judicial officers, namely, mamlatdars and magistrates, who said that they had purchased their offices, and were still continued in the exercise of their judicial functions. I referred to the record of the trial, Queen-Empress *v.* Hanmantrao, and the appeal therein, to which record I would ask the attention of your Excellency in Council. I moved the Chief Justice and Judges to make a representation to your Excellency in Council against the continued exercise of judicial powers by officers who had openly confessed to the purchase of their offices, on the ground that such men are corrupt and tempted to pillage the suitors, and that, in controlling men manifestly corrupt, the jurisdiction of the High Court by way of superintendence, however carefully exercised in manifold modes, is likely to be ineffectual.

2. There was a meeting of the Chief Justice and Judges on the 20th instant, and they declined to move in the matter. It was thought, however, that any Judge who considered that his duty so required might rightly submit his own opinion to your Excellency in Council in any judicial matter of great concern.

3. In regard to the subject on which I now address your Excellency in Council, Mr. Justice Birdwood concurs with me in opinion, and has so minuted. Mr. Justice Scott, while not joining in any representation to your Excellency in Council, has recorded an opinion that judicial officers who have purchased their offices are unfit for the performance of judicial functions, and ought to be removed. As I desire to show his opinion on that point, he has allowed me to append his Minute. It was read at our consultation.

4. I had a mind during the vacation to address your Excellency in Council, but I thought it more in accord with custom and precedent to submit my reasons of law for the consideration of the whole Bench, and more respectful to your Excellency's Government to wait until I had heard their deliverance. The partial concurrence I have received encourages me now to act on the view I hold of the personal obligation of my declaration of office; but as my action is based on my view of what in certain high and important matters the law and the constitution require, and as some of these matters are not settled by decision, I am bound to say that the expression of my opinion has less weight, insomuch as it is merely mine.

That opinion is set forth in three Minutes. The two first were recorded by me as Vacation Judge, and the last was laid before the Chief Justice and Judges at our consultation.

5. I have, however, less difficulty in laying these views before your Excellency in Council, because I am aware of the watchful care of your Excellency's Government to suppress corruption in all its forms in the territories which have the advantage of being under your presidency, and I doubt not that your Excellency will impute this letter to my regard for the solemn obligation of my office, my wish for the well-being of the people, and my reverence for the honour of the Crown.

MINUTE, referred to in above Letter, recorded by the Honourable Mr. Justice *Jardine*.

IT will be remembered that at the recent trial at Poona, at which one Hanmantrao was convicted and sentenced to two years of rigorous imprisonment and to fine for corrupt acts, in connection with the brocage of judicial offices, certain judicial officers presiding in courts under the superintendence of the High Court of Judicature, viz., as magistrates under the Code of Criminal Procedure, and as mamlatdars with the civil jurisdiction conferred by Bombay Act III. of 1876, came forward as witnesses, and on oath and in public testified to their own acts of corruption in giving large bribes for the purpose of obtaining or keeping these judicial appointments. They were believed by the district magistrate who tried the case, and by the sessions judge, who confirmed the sentence on appeal.

2. During the present vacation of the High Court I am one of the Justices discharging, by delegation of the Court, some of the duties of superintendence of the administration of justice. Since the Court rose certain facts have occurred which I deem it my duty to bring under the consideration of the Chief Justice and Judges. One of these witnesses at the trial of Hanmantrao has again come forward, and on oath and in public has again made his confession of corrupt and criminal behaviour. I refer to Mr. Balkrishna Govind Sindekar, who is both a mamlatdar and a magistrate, and who exercises, besides ordinary powers of magistrates, that of passing sentences of whipping, and also the very special powers specified in Section 191 of the Code of Criminal Procedure, which include that of initiating prosecutions of Her Majesty's subjects on his own mere knowledge, or even suspicion. This second confession was made before the Commission now sitting at Poona for the trial of Mr. Arthur T. Crawford, the Revenue and Police Commissioner, for bribery and corruption. Mr. Sindekar's evidence has been published in the two principal Bombay newspapers and in other journals; and it shows that in the interval between the confession at the trial of Hanmantrao and that made at the trial of Mr. Crawford the witness actually exercised his judicial functions, civil and criminal.

This

This appears from the following extract from his deposition before the Commissioners on the 25th October last:—

Q.—Since the Hanmantrao inquiry was over, did you return to your duty?
A.—I did so before the case was disposed of.

Q.—You are still Mamlatdar of Chandore, and receiving your pay as such?
A.—Yes.

Q.—Since you have admitted that you gave a bribe for getting your transfer cancelled, you still continue in the Government service?
A.—Yes.

Q.—And carry on your magisterial duties?
A.—Yes.

Another witness of higher position named Pendse is reported to have deposed on the 29th October that other magistrates in a similar predicament, who have either made public confession of corruption, or are charged with corrupt crimes by the Government of Bombay in the proceedings against Mr. Crawford, have resumed their judicial duties. The Advocate General and the other counsel for the Crown at the trial do not appear to have contested their statements.

3. A criminal complaint charging corrupt acts under the Indian Penal Code has lately been preferred against this Mr. Sindekar, another magistrate named Dabir, and several other officials, before the District Magistrate of Poona, in connection with the acts which formed the subjects of confessions. I have also found in the weekly reports of the contents of the native newspapers, which reports are compiled under the orders of the Government of Bombay, and are sent to the High Court in order that we may learn from them what otherwise we might not know, that many of the native newspapers have published the matter of these confessions, and that several have expressed apprehension at the fact that magistrates who have publicly testified to their own corruption and breach of the criminal law of the land should continue to execute justice in the name of the Queen-Empress.

4. Since these facts came to my knowledge I have anxiously reflected as to my individual duty pending the vacation. I think it unconstitutional that a person who has purchased his office should pretend for one single day to judge any person under Her Majesty's protection. But I am entitled to assume that the statements above quoted from Mr. Sindekar's deposition relate to matters known to the Governor in Council, to whom this branch of the prerogative is delegated, and that the prerogative will be exercised for the benefit of the subjects, and that if his Excellency in Council is advised that Mr. Sindekar ought not to be allowed to continue to exercise judicial functions, we will receive the usual intimation before the vacation is over. In the meantime I have directed certain inquiries to be made, and the record of the trial of Hanmantrao to be sent for; and in the interval I would submit to the consideration of my learned brethren the question whether the Chief Justice and Judges, on whom the law imposes the duty of superintending the courts of the mamlatdars and magistrates, can effectually perform this most important duty, where persons who have purchased the judicial office are allowed to retain it before they have had time to show repentance, before pardon, and without indemnity.

5. I would fain express my opinion that, as pure waters cannot be drawn from a polluted spring, justice cannot proceed from a corrupt source. As Lord Bacon writes, "The place of justice is a hallowed place; and, therefore, not only the Bench but the foot pace and precincts and purprise thereof ought to be preserved without scandal and corruption; for certainly grapes (as the Scripture saith) will not be gathered of thorns or thistles; neither can justice yield her fruit with sweetness amongst the briars and brambles of catching and pulling clerks and ministers." All history shows that where the lower judges are corrupt, instances of injustice or oppression may occur which the superior courts of superintendence may never be able to redress, and perhaps may never hear of.

6. I do not propose to deal with persons who, though charged by the Government with corruption, have not confessed nor been convicted. I confine my remarks to those judicial officers under the superintending jurisdiction of the High Court of Judicature who have publicly confessed to the purchase of their

offices. As regards them, I am of opinion, as a matter of law, that it is not a constitutional exercise of the prerogative to appoint such persons to the Bench of Justice, or retain them there, and my reasons are as follows:—

7. Firstly, the honour of the Sovereign is concerned in the pure administration of justice.

It was urged on behalf of the Commons of England at the impeachment of the Lord High Chancellor, the Earl of Macclesfield, for the sale of judicial offices, that "the King having the executive power, or the administration of ordinary justice, lodged in him, is in consequence obliged to provide and appoint capable and sufficient officers, necessary for the due execution of justice in his several courts for the benefit of his subjects; his coronation oath proves this."

Again, it was said by Lord Campbell, when, as Lord Chief Justice of England, he affirmed the privilege of the ordinary subject to petition the Crown through the Secretary of State for the removal of a magistrate for misconduct, that "Her Majesty has an interest in the matter, for she is to see that all in authority under her do their duty, and that justice is duly administered to all her subjects." Bush *v.* Harrison, 25 L. J., Q. B., 29. In a late debate in the House of Lords, where the trial by commission of Mr. G. H. Wilson, of the Bombay Civil Service, was discussed, Lord Cross, the Secretary of State for India, spoke of the provision of uncorrupt persons as judges as coming under this principle.

8. Secondly, the prerogative of the Crown and the jurisdiction of superintendence of Her Majesty's High Court of Judicature are both intended to benefit the subject. But this honour of the Crown and the well-being of the subject are both endangered where offices are executed by men who have purchased them. This is the reason stated by "Russel on Crimes" of the criminal nature of such purchases. What says Hawkins in his "Pleas of the Crown"? That the happiness of both King and people depends on the due execution of offices, which is in danger when they are disposed of, not to those who are most able to execute them, but to those who are most able to pay for them. He adds that those who purchase their offices are under great temptation to abuse their power by bribery and extortion and other acts of injustice, in order to make their bargain answer their expectations. This argument was pressed over and over again by the Commons of England against the Earl of Macclesfield, when the Earl urged in his own defence that there was a great distinction between the sale of justice, *i.e.*, the taking of bribes from suitors, as did Lord Chancellor Bacon, and the sale of an office of justice, which, the Earl argued, was not illegal. The Commons urged that both practices were infractions of Magna Charta, "*nulli vendemus justitiam aut rectum*," which, according to Coke, is spoken in the person of the King, who in law is present in his own courts of justice, speaking these words; and that the sale of an office of justice was to sell the whole body of suitors of the court in the gross to the exaction and oppression of the under officers. These offices cannot be sold, they said, because the King himself cannot be supposed to suffer them to be put to sale.

9. The Statute of Edward VI., which was extended to appointments made by the East India Company by 49 Geo. 3, c 126, made the person who purchased the office forfeit it. The reason of this statute has been interpreted in Parliament in the case of Godolphin *v.* Tudor (1 Bro. P. C., 135), where the Lords held that a person who had bought the deputation of an office was manifestly under a temptation to oppress and exact in his office to save himself; which was the chief inconvenience the statute intended to provide against, so they confirmed the unanimous judgment of the Queen's Bench. In *Rex v.* Vaughan (4 Burr. 2494), when Lord Mansfield presided in that court, the attempt to bribe a Secretary of State to procure an office was held to be an offence at common law. "Whenever it is a crime to take," said that great Judge, "it is a crime to give; they are reciprocal, and in many cases, especially in bribery at elections to Parliament, the attempt is a crime; it is complete on his side who offers it." The trial of the Earl of Macclesfield was cited.

10. It is thus settled that the offer and the gift of a bribe are each *malum in se*.

Whether these acts should be made punishable in India is a question which was much discussed by Lord Macaulay, and the framers of the Penal Code, and by

by the Commissioners who wrote the Second Report, dated the 24th June 1847 in paragraphs 87 and 88 of which is to be found information about the wide-spread prevalence of bribery in courts of justice in India at that time. The Indian Legislature made the offer or gift of a bribe to a public servant to procure office an offence under the Indian Penal Code.

11. But even where no offence punishable with fine or imprisonment is charged, there may be reasons for protecting the suitors from officers of justice whose conduct or character tends to endanger the public interest. One instance will be found in the case, *in re* Grant, 7 Moore P. C., where the Lords of the Judicial Committee of Her Majesty's Privy Council recognised the sacred responsibility vested in the Supreme Court, and upheld the removal of a master for minor delinquencies (I quote the language of the judgment of the Privy Council) on the ground that "the administration of justice must be kept most pure and free from suspicion."

12. Thirdly, I am not aware of an instance where a person confessing himself or otherwise legally proved guilty of corruption or other serious crime or misdemeanour has been retained on the commission of the peace. Probity is as much essential to the due execution of judicial office in the remote districts and among the ignorant people of an Indian province as in the realm of England. But in England the difference between the justice of the peace who bought or bargained for his office and the "best and most lawful men," who alone were to be appointed, was well ascertained centuries ago, as appears from the directions to the Chancellors in 12 Rich. 2, c. 2, and 11 Hen. 4, Rol. Parl No. 28. The masters in Chancery who, to the grievous injury of the suitors and ultimately of the taxpayers, bought their offices from the Earl of Macclesfield were, it is true, continued therein and exempted from criminal prosecution. But this exemption from the Statute of Edward VI. and the common law was by special Act of Parliament, the Indemnity Act, 11 Geo. 1, c. 2, which pardoned them beforehand on condition of their making full disclosure. The King's Ministers also introduced other Bills which passed into law for the purpose of affording new and elaborate protection of the suitors from those spoliators and embezzlers. But for all this the authority of Parliament was required, the contention of the Commons being that Lord Macclesfield ought to have dismissed the masters because they had purchased their offices.

13 Fourthly, the law as it stands affords no special protection to judicial officers who have procured their offices by bribery, and have confessed to the fact. Any person subject to the jurisdiction of such an officer may apply to have him removed, and anyone may prosecute him up to conviction. Thus, in the absence of pardon or indemnity he stands in a very precarious position, and exposed to more than ordinary temptation. The public confession intimates to all that he has been corrupt; the fact that he offered a bribe and is out of pocket makes people think he will accept a bribe. So the dishonest intriguer thinks he has an advantage over the honest suitor.

14. At the present time, when the Executive Government are alleging many charges of corruption against Mr. Crawford, implicating many of the servants of Government, I think the dictum of the Lords of the Privy Council that the administration of justice must be kept most pure and free from suspicion has more than ordinary force. Let these corrupt persons find places where they will, but not on the Judicial Bench. If in ordinary times such persons cannot be retained as judges, the law ought not in times of disturbance to be strained in order to keep them there. *See* Lord Denman's judgment in *Reg. v.* Badger.

15. Under the law here the power of suspending and removing magistrates is vested in the Governor in Council. The High Courts have frequently aided the various Governments by reporting to them instances in which officers under their judicial superintendence have shown their incapacity or misconduct. I often did this when I was Judicial Commissioner of Burma. The same is done from time to time by sessions judges and district magistrates. In one instance in our record a former Chief Justice, Sir Mathew Sausse, as "the head of the Judicial Department in this presidency," stated to the Governor in Council what he thought were objections to the appointment of a military officer to be judge of a small cause court, and was courteously listened to.

 16. I take

16. I take it that in dealing with matters of this sort the Governor in Council uses his powers on the same principles as the Keeper of the Great Seal, who in England "acts as the responsible adviser of the Crown in the exercise of the prerogative." The Indian practice under which the High Courts (which have a jurisdiction similar to that of the Queen's Bench) report to Government, or the Government consults them in such matters, has existed, I believe, from before the time of the erection of the Supreme Courts, and is in substantial accord with the practice of England. In England, when testimony has been given in a court of justice impeaching the conduct of magistrates, the matter has been frequently ordered by the Courts of Superior Jurisdiction or the Judges thereof to be laid before the Lord Chancellor, "to enable him to judge whether or not such magistrates ought to be continued in the commission of the peace." The King *v.* Jollifie, 4 T. R., 290. I am of opinion that we should draw the attention of the Governor in Council to the sworn testimony of Mr. Sindekar, and perhaps that of Mr. Dabir, for a similar purpose, or at any rate in order that the exercise of judicial functions by him or them should be at least suspended for the present, and until the excitement caused by the many charges of corruption alleged by the Government has been allayed by a determination of Mr. Crawford's case. I think that our declarations of office impose on each of the judges a personal obligation; the administration of justice must be kept most pure, and *Est boni judicis ampliare justitiam.*

5 November 1888. *John Jardine.*

Enclosure No. 2, in No. 5.

SUPPLEMENT to the Honourable Mr. Justice JARDINE'S Minute of the 5th November 1888.

SINCE I wrote my Minute the Bombay newspapers of the 8th November have published the deposition of one Balvant Narayan Dabir, given on the 5th November before the Commissioners for the trial of Mr. A. T. Crawford. I quote from this man's confession, as the facts he has stated show very plainly the opportunity for corrupt gain which corrupt magistrates and judges enjoy, and confirm the view taken of the purchasers of judicial offices by the courts and Parliament of England. I may add that when I was District Judge and Sessions Judge of the backward and wild District of Khandesh, where this Mr. Dabir has been a magistrate and mamlatdar from the 9th January 1888 until some time in October 1888, I had occasion to suspend a subordinate judge for suspected corruption. This Mr. Dabir has now deposed that even after he made confession on oath and in public before the District Magistrate of Poona in August during the trial of Hanmantrao of his corrupt and criminal acts, the Government continued to keep him in his judicial offices as magistrate and mamlatdar until October. He seems to have come to the end of some acting appointment, and I hope is not now on the Bench.

His statements were that in January 1886 he was made a clerk on 40 rupees a month. In June 1887 he wished to get himself made a mamlatdar, and at once set to work to bribe, the corrupt initiative proceeding from him Between 22nd June 1887 and 9th August 1887 he borrowed 3,200 rupees, without giving any security, from a money-lender in the place where he was then clerk, and was afterwards magistrate and mamlatdar. His pay was only 40 rupees a month at this time. Since he became magistrate and mamlatdar he drew *Rs.* 112. 12. monthly pay. He has contrived since to pay back 1,000 rupees of the money he borrowed. He says he paid 3,000 rupees as a bribe to get the appointment of mamlatdar.

From what transpired at the trial of Hanmantrao, and from the charges preferred by the Government against Mr. Crawford, which implicate a great many other magistrates, some of whom have summary powers of whipping and of starting prosecutions on their own suspicion, I am apprehensive that other men like this Mr. Dabir are still allowed to preside over courts under the superintendence of the High Court, even though the Government has had notice, as in Dabir's case, of this corruption and raising of money. I would, therefore, seek immediate consideration of the whole subject, as it is next to impossible for the High Court to exercise superintendence effectually over such men; for the Court is not an Argus with a hundred eyes nor a Briareus with a hundred hands.

9 November 1888. *John Jardine.*

Enclosure No. 3, in No. 5.

MINUTE laid before a Meeting of the Judges on the 20th November 1888.

PRESENT:—C. J. Sargent, J. Bayley, J. Birdwood, J. Jardine, and J. Parsons.

1. THE vacation of the Court has come to an end, and we have received no intimation that Mr. Sindekar, or any other magistrate who has testified to his own corrupt and criminal conduct, has been deprived of the right to exercise civil or criminal jurisdiction.

2. I notice, in a newspaper report of the proceedings of the Commissioners for the trial of Mr. Crawford on the 18th instant, that two other magistrates Mr. Ganesh Pandurang Thakar and Mr. Daji Balal Paranjpe, have come forward as witnesses on behalf of the Crown, and have deposed to the payment of 1,000 rupees and 2,000 rupees respectively, as bribes for the purposes of purchasing their offices. They also deposed that they are still employed as mamlatdars of Walva and of Jamkhed, and their names are shown as such in the "Bombay Quarterly Civil List, corrected to the 1st October 1888," pp. 83, 84, and 89, and as being magistrates of the second class, which means that they can pass sentences of imprisonment not exceeding six months, fine not exceeding 200 rupees, and whipping.

3. We have received the record of the proceedings in The Queen-Empress *v.* Hanmantrao, on the sworn complaints of Mr. Sindekar and Mr. Dabir, before the District Magistrate of Poona, and the proceedings before the Sessions Judge of Poona, on appeal of the convict Hanmantrao. This record contains the depositions of Mr. Sindekar and Mr. Dabir.

4. The sessions judge defines the guilt of the givers of bribes in the following words:—

> "How, then, are Dabir, Satbhai, and Javarkar accomplices with Hanmantrao in the alleged offence? The answer is, because they say they gave or assisted in giving the money. Illustration A. to Section 109, Indian Penal Code, runs:—
>
> A. offers a bribe to B., a public servant, as a reward for showing A. some favour in the exercise of B.'s official functions. B. accepts the bribe. A. has abetted the offence defined in Section 161."

5. In this case, and at the trial before the Commissioners, the accomplice witnesses were asked questions with a view to ascertain if some servants of the Crown had promised them pardon, indemnity, or favour on their disclosing the whole truth. Whether the Government has been advised that an unpardoned accomplice, who makes a full disclosure, has an equitable title to retain his judicial office, on the analogy of the equitable title which some confessing accomplices acquire to a recommendation for the mercy of the Crown, we have no means of knowing.

6. But I think that such advice and opinion is wrong in law, as Parliament and the courts regard the purchaser of a judicial office as an extortioner who will pillage the suitors. This reason of the Statute 5 & 6 Edw. 6, c. 16, seems to me applicable where the statute itself is not in force, especially in India, where bribery is common. In Bacon's "Abridgement under Title," Pardon H., is the following:—

> "It seems agreed that notwithstanding the King's pardon to a simonist coming into Church, contrary to the purport of 31 Eliz. c. 6, or to an officer coming into his office by a corrupt bargain, contrary to the purport of 5 & 6 Edw. 6, c. 16, may save such clerk or officer from any criminal prosecution in respect of the corrupt bargain, yet it shall not enable the clerk to hold the Church nor the officer to retain the office, because they are absolutely disabled by statute." For this, "Coke upon Littleton," 120, and 3 Institute, 154, are cited among other authorities.

7. But I would urge that there is no need to amplify the statement of law that manifestly corrupt persons may not sit as judges under an English

Sovereign. There has been no tolerance of corrupt judges since the Revolution; indeed, two Lord Chancellors have resigned since that period in consequence of improper dealings with judicial offices. To allow any person who has fraudulently connected himself with actual bribing to stay on the judicial bench would be a return to the practice of times when the nature of allegiance was not properly understood.

8. The objection to judges who have purchased their offices was, as I have pointed out, based by the Parliament of England on Magna Charta, "the great statute which is so dear to all English subjects, and hath been two-and-thirty times confirmed." Chalmers' "Colonial Opinions," p. 375. But it is on the observance by the Crown of the Great Charter, the Bill of Rights, and other great constitutional laws, that the allegiance of the subject depends, as was remarked by Chief Justice Norman (in the matter of Ameer Khan, 6 Ben. L. R. 452); and it would be strange indeed, as he says, if a great popular assembly like the Parliament of England had put into the power of a Legislature which has not, and in the nature of things could not have, any representative character the power of abrogating or tampering with such fundamental laws. The maxim is *protectio trahit subjectionem et subjectio protectionem.* But how can the aggrieved subject be protected when the judges have an inducement to pillage? To use Lord Bacon's words, they will justify the resemblance of their courts to the bush whereunto while the sheep flies for defence in weather he is sure to lose part of the fleece.

9. There is abundant evidence of a widespread practice in India of exacting bribes from suitors. I refer to the Second Report of the Commissioners on the Indian Penal Code mentioned in paragraph 10 of my Minute of the 5th November, and to the printed volume compiled some years after about "Khatpat" or intrigue in Bombay. The allegations made at the trial of Mr. Crawford, if true, point to a similar state of things; the amounts paid for offices being very large in proportion to the salaries, and easily borrowed, and soon paid back. Two judges of the Sadr Adawlat of Bombay, the highest court of the East India Company in this presidency, were, about the year 1853, removed by Lord Falkland's Government for acts and conduct far short of personal corruption.

10. Since I wrote the above I have seen in the newspapers of the 19th November a telegram from Government. I quote the following from the "Bombay Gazette:" "We have been requested to give publicity to the following telegram from the Secretary to Government to the Hon. Mr. Latham, the Advocate General:—

> 'Please contradict publicly statements in newspapers concerning appointment of Committee to consider expediency of retention in service of Government officers who are witnesses in Crawford case, and regarding repudiation by Government of guarantee given by Ommanney. They are utterly devoid of any foundation.'"

The officer addressed and requested to make the public contradiction of what the newspapers have said, the Advocate General, is the officer who, under Section 144 of Act X. of 1875, may exhibit to the High Court informations for all purposes for which Her Majesty's Attorney General may exhibit informations on behalf of the Crown in the Court of Queen's Bench or Exchequer.

11. If the judges will refer to Hansard's Debates, Vol. 177 to 180, about the proceedings which led to the Resolution of the House of Commons of the 3rd July 1865, in consequence of which Lord Chancellor Westbury resigned, they will find, I think, that no objection was taken to the Lord Chancellor removing corrupt persons from judicial office, or inducing them to resign. The Lord Chancellor was censured "for sanctioning the grant of retiring pensions to public officers over whose heads grave charges are impending, and in filling up the vacancies made by retirement of such officers, whereby great encouragement has been given to corrupt practices."

12. I have considered whether in the use of the prerogative any one suit or process may in time of peace be considered so exceptional as to warrant a departure from the usual principles on which the Crown and its Ministers act. I do

I do not find any such doctrine laid down. It is said by Mr. Justice Stephen in his "History of the Criminal Law," Volume II., page 65, that as between the Sovereign and the subject there can be no such thing as an Act of State. The power of a Governor is limited by his commission, Musgrave *v.* Pulido, L. R., 5 App. C., 102; and I presume his discretion is *scire quid sit justum*, but *scire per legem*. Our judicial discretion is the same; and I have, therefore, before moving my learned brethren, done my best to ascertain the doctrines of our law as shown in the books and cases, and as interpreted by Her Majesty's Privy Council and by Imperial Parliament. It appears to me that we have a reasonable ground to address the Government on the matter, because of the difficulty of exercising a constant and minute judicial superintendence over judges manifestly corrupt; and I think we can best show our high respect for those to whom Her Majesty entrusts the government of the Presidency by laying before them the legal reasons and solemn precedents on which we base our opinion. We must regard the purity of the administration of justice as a matter of Imperial concern, and I think that you should follow the precedent* set by Chief Justice Sir Matthew Sausse and request that our Minutes be forwarded to Her Majesty's Secretary of State for India in Council.

* Letter No. 1st May 186

John Jardine.

Enclosure No. 4, in No. 5.

MINUTE recorded by the Honourable Mr. Justice *Scott* on Mr. Justice *Jardine's* Minute concerning the Retention of Corrupt Men in Judicial Offices.

I CONCUR with Mr. Justice Jardine that judicial officers who have confessed to having purchased their offices are unfit for the performance of judicial functions, and ought to be removed from office. It is impossible to argue that a violator of the law can properly remain its administrator. The purchase of office leads to the selling of justice in order to recoup the purchase, and the Penal Code rightly treats it as a criminally corrupt act, punishable with fine and imprisonment. But I confess to some doubt whether the High Court would be within its province in presenting the proposed remonstrance to the Governor in Council against the retention of Messrs. Sindekar and Dabir in office. My colleagues of longer standing, and those of the Civil Service, will have a fuller acquaintance with our powers, but my present opinion is, that although the retention in office is improper, wrong to the people, and injurious to the character of our whole judicial administration, still the High Court, acting as a body, and not as simple members of the public, would exceed their judicial powers if they called upon Government to suspend or dismiss these men. I cannot find anything in our Charter, or in the two Codes of Procedure, the three documents where our powers are defined, that justifies us in pointing out, *nostro motu*, a violation of the constitution, or an improper use of executive power. It seems to me we are bound in our position as judges to wait till a specific case is brought before us by the public over whom we are placed as administrators of the law before we express a judicial opinion. In the matter of advice the Government possesses it own legal advisers, and I cannot find our powers go beyond—

(*a.*) The exercise of all power, authority, and jurisdiction possessed by the late Supreme Court. This authority is expressly stated in the Charter to be the same as that possessed by the Court of Queen's Bench in England.

(*b.*) The exercise of a superintending power over all courts subject to our appellate jurisdiction.

(*c.*) The exercise of certain powers of revision under Section 622 of the Civil Procedure Code, and Sections 435-439 of the Criminal Procedure Code.

Thus the judges are supervisors of all inferior courts as well as judges for the determination of civil and criminal suits and charges. But this supervision is

confined to the superintendence of the inferior judges in their conduct of the judicial business confided to them. A system of check and control over their work has been devised which lays before the High Court periodically the number of cases disposed of by each judicial officer, the amount of his arrears, and details of a similar character. Explanations are constantly required, irregularities are rebuked and corrected; but all this supervision, as far as I can gather, is connected with the specific judicial work that has been performed by subordinate judicial officers. Dismissal and even transfer are not within our powers; they require the intervention of Government. That is my interpretation of our statutory functions. If, however, as a matter of fact, and from what I hear of the powers actually exercised, it may well be so, the High Court, at the request of Government, does control the appointment and powers of subordinate judicial officers, if its superintending power is not confined to the supervision of their judicial acts, then, I think, we should be fully justified in moving Government concerning the retention of these men in office. I may be mistaken in my view of our powers, and I shall be very glad to find that we need not wait for some specific act of judicial misconduct. I think our superintending functions will be of little avail if such men as Sindekar and Dabir are allowed to remain in office, and if my colleagues are of opinion that the proposed remonstrance would not be beyond our province, I will gladly concur, as their removal, or at any rate their immediate suspension, seems to me absolutely necessary to the purity of our judicial administration. But I am loth to forward to Government any remonstrance which may prove a *brutum fulmen*.

J. Scott.

Enclosure No. 5, in No. 5.

LETTER, dated 29th November 1888, from the Honourable Mr. Justice *Birdwood*, Judge of Her Majesty's High Court of Judicature, Bombay, to His Excellency the Right Honourable the Governor of Bombay in Council.

MR. JUSTICE JARDINE has shown me the letter, dated the 23rd instant, which he has addressed to your Excellency in Council, on the subject of the continued exercise of judicial powers by certain officers who recently deposed in a certain case that they had purchased their offices.

2. To that letter are appended copies of Minutes recorded by Mr. Justice Jardine and Mr. Justice Scott. I concur in the opinions expressed in those Minutes as to the necessity of suspending officers who have admitted corrupt conduct from the exercise of judicial functions; and I take the same view of my own individual duty in this matter as has been taken by Mr Justice Jardine. I am one of the two judges who ordinarily advise your Excellency's Government, on behalf of the High Court, as to the investiture of magistrates with certain powers under the Code of Criminal Procedure; and now that the question has arisen whether certain magistrates are fit to exercise the powers with which they have hitherto been entrusted, I think it incumbent on me, not only to form an opinion on the question, but, if that opinion is unfavourable to the magistrates concerned, to communicate it also to your Excellency, with a view to such action on the part of your Excellency's Government as the circumstances may demand. Accordingly I submit, for the consideration of your Excellency in Council, the appended Minute, in which I have recorded my opinion on this subject.

MINUTE referred to in above Letter recorded by the Honourable Mr. Justice *Birdwood.*

I CONCUR with Mr. Justice Jardine as to the necessity of our making a recommendation to Government in this matter, to which my own attention was also directed during the vacation. I wished to bring it before the Chief Justice and judges at our first meeting in Chambers after the re-opening of the Court. My object has been fully secured by the course adopted by Mr. Justice Jardine as Vacation

Vacation Judge; the whole question having been thoroughly discussed at our meeting on Tuesday last.

I concur in much that Mr. Justice Scott has written; but do not share his doubts as to the propriety of our addressing Government. With reference to the remarks at the close of his Minute, I am of opinion that we should not be travelling beyond our province in making a recommendation about these magistrates.

It is pointed out by Sir James Stephen in his "History of the Criminal Law in England" (Vol III., page 327) that the High Courts in India exercise functions in the administration of both civil and criminal justice to which there is nothing analogous in England. Besides the powers of appeal and reference, we have the power of general superintendence and inspection over the inferior Courts "which is possessed by no authority in England over any Court whatever." * * *. "The check on judicial neglect or misbehaviour which is secured in England by the interest taken by the public in the administration of justice and by the comments of the Press, is supplied in India partly by the power of appeal in the hands of the parties and partly by the power of revision vested in the High Courts."

When a former Chief Justice, Sir M. Sausse, was of opinion that the appointment of a military officer to act as Judge of the Court of Small Causes at Ahmednagar was improper, he strenuously protested, "as head of the Department of Justice in Bombay," against what he believed to be the "retrograde policy" of Government, whose "serious attention" he felt "bound to call" to the "evil tendency" of such appointments which, he said, necessarily weakened public confidence in the administration of justice, and left the Executive open to the charge of injudicious exercise of the judicial patronage. I do not think that it was ever suggested that in writing his letter of the 1st May 1865 regarding Major Lester's appointment, the late Chief Justice exceeded his duty in any way.

Since 1865 the connection of the High Court with the judicial administration of the Presidency has been made more practical and definite by express legislation, and by certain special arrangement entered into with the Government regarding the promotions and transfers of subordinate judges, and the investiture of magistrates with certain powers by Act XIV. of 1869, the High Court is empowered to make rules relating to the appointment of the ministerial officers of civil courts, and their punishment for misconduct or neglect in the performance of their duties. It is also empowered to prescribe tests, according to which persons seeking to be appointed subordinate judges, and not otherwise qualified as advocates, vakils, or graduates in law, must qualify for the duties of a subordinate judge. The High Court can also appoint commissioners to make a formal and public inquiry into the truth of any imputation of a subordinate judge's misconduct; and it has long been the practice of the High Court to recommend all promotion of subordinate judges from one grade to another, and from the second to the first class, and also all transfers of subordinate judges from one court to another. Again, under the Court Fees Act of 1870, the High Court makes rules for the remuneration of the peons and all other persons employed by leave of a court, in the service or execution of processes.

Under a recent arrangement with Government, proposals by district magistrates, for the grant of certain powers to subordinate magistrates, are made through the High Court. We advise, as to the grant of these powers, after making such inquiries as to the fitness of the magistrates, to exercise them as we think necessary. We are recognised as the proper advisers in such matters, and the arrangement is an advantageous and proper one in every way.

It cannot, therefore, be said that the personal character of any judicial officer subject to our jurisdiction is a matter with which we are not concerned, or as to which we can show indifference. It being our duty to make recommendations for the grant of certain powers to magistrates, we should, I think, be only performing our duty if, on our becoming aware of any circumstances affecting any particular magistrate, which tended to show that he could no longer be safely entrusted with magisterial powers, we were to make such further recommendations as the circumstances seemed to us to require.

And there are again special considerations connected with our revisional jurisdiction, under the Code of Criminal Procedure, which satisfy me that we

can with propriety advise Government on such an occasion as the present. The exercise of our revisional powers is not unattended with difficulty. Still, in a large number of cases, we are able annually to give such redress as the law contemplates, by correcting illegal or improper findings, sentences, and orders of the subordinate courts. We exercise these powers on the assumption that the officers presiding in the subordinate courts are honest, and honestly place on record their opinions on questions of law and fact coming before them. If, however, at any time we find that magistrates, who have admitted corrupt conduct, are allowed to try cases, the difficulties attending the duty of revision may become unduly and strangely complicated. There ought to be no objection, therefore, to our endeavouring, by every means in our power, to prevent any complication or confusion, or injustice, which might possibly arise from any such cause. As observed by their Lordships of the Privy Council in Kerakoose *versus* Serle and others (11 I. M. I. A., 329):—"It is of great importance in all countries, and more particularly in a country like India, that no officer of a court of justice should be ever exposed to the suspicion that in the discharge of his official duties his conduct may be influenced by any personal consideration," and "when there is room for the operation of sinister motives, the belief of their operation can hardly be excluded from the minds of the parties." If these remarks are true as regards the officers of courts, how much more forcible must be their application to the judges and magistrates who preside in our courts. If it is true that any persons, who have admitted the purchase of magisterial offices, are at this moment discharging magisterial duties, I think that we ought to recommend their removal from such offices. Under the English law a person who purchases an office, or gives any reward or profit for the purchase thereof, or agrees or promises to do so, commits a misdemeanour, and forfeits to the Queen any right which he may have in the office, and is disabled to hold the office for life, and it is not lawful to the Queen to dispense him from such disability (Stephen's "Digest," page 81). This being the law in England, and its principle being presumably applicable throughout Her Majesty's dominions, I do not see how, on the present occasion, we can be rightly silent.

27 November 1888. *H. Birdwood.*

Enclosure No. 6, in No. 5.

EXTRACT from the Proceedings of the Government of Bombay in the Judicial Department, No. 6,772, dated Bombay Castle, 11th December 1888.

Read—

Letter from the Honourable Mr. Justice Jardine, Judge of Her Majesty's High Court of Judicature, Bombay, dated 23rd November 1888—Stating that he moved the Chief Justice and judges to make a representation to Government against the continued exercise of judicial powers by certain officers, who had confessed to the purchase of their offices, but that they declined to move in the matter. Explaining the reasons why he felt constrained to fulfil his personal obligation, and enclosing three Minutes on the subject.

Letter from the Honourable Mr. Justice Birdwood, Judge of Her Majesty's High Court of Judicature, Bombay, dated 29th November 1888—Stating that Mr. Justice Jardine has shown him the letter, dated 23rd November, addressed by him to Government on the subject of the continued exercise of judicial powers by certain officers, who recently deposed in a certain case that they had purchased their offices. Making remarks and submitting, for the consideration of Government, with reference to that letter, a Minute in which he has recorded his opinion on the subject.

RESOLUTION.—Having given his most attentive consideration to these individual and extra-judicial representations from two of the honourable judges of the High Court, the Governor in Council feels constrained to observe that the course taken by them is extremely inconvenient. It is the primary duty of a judge to hold his mind perfectly free for the unfettered discharge of his high and special functions The conduct of the officers denounced by the Honourable Mr. Justice Jardine and the Honourable Mr. Justice Birdwood has already been made

made a matter of criminal imputation, and their case has been called for by the High Court in the exercise of its revisionary jurisdiction. Under such circumstances, the Governor in Council cannot follow the example of the honourable gentlemen, since he considers that it would be both injudicious and unjust on the part of Government to take action upon the unjudicial denunciation now submitted to him.

2. At the close of the proceedings the judges, who may have dealt with the case, may or may not feel called upon to lay information before Government of facts which have come to light. The Governor in Council will then be prepared to give his careful and ready attention to any indication presented by the High Court, as arising out of the matter judicially dealt with by that majority.

(True Extract.)

W. Lee-Warner,
Secretary to the Government of Bombay.

To the Honourable Mr. Justice Birdwood, } By letter.
To the Honourable Mr. Justice Jardine, }
To the Revenue Department.

— No. 6. —

COPY TELEGRAM from Secretary of State to Governor, Bombay, dated 22nd February 1889.

Yours 21st. I hope that I may understand that Native magistrates are entirely suspended from office pending inquiry. This was in my mind in my telegrams of 6th and 7th, which should be read together.

— No. 7. —

EXTRACT from Letter dated Bombay Castle, the 1st March 1889, from the Government of Bombay to Her Majesty's Principal Secretary of State for India.

We have the honour to forward herewith a copy of our telegram* sent on the 23rd ultimo in reply to that received from your Lordship on the same date.

Our letter to the Government of India of the 22nd ultimo, taken with our Despatch to your Lordship, No. 3, Revenue Department, dated the 15th idem, will, we trust, suffice to place your Lordship in possession of the views we hold on the important questions connected with the original promise of indemnity to the witnesses before the Crawford Commission, and at the preliminary inquiry, and with the treatment now of those persons.

The information concerning Mr. Crawford's alleged malpractices was in the first instance furnished to Government by certain Native gentlemen and officials of high position who did not admit that they had themselves paid bribes, and who are not suspected of having done so. They mentioned the names of the persons who, as they believed, had given money, and supplied particulars of some of the transactions To push the inquiry a stage further and to procure more positive, personal, and detailed information, it became then necessary to obtain the statements of the men alleged to have themselves paid money, and to effect this it was requisite to give a definite assurance to the officials concerned that their admissions should not be used to their own ruin, and that they would not be prosecuted or punished by Government if they fully, freely, and truthfully disclosed what they knew and what they had done. It was obviously of no avail to believe or hope that Native officials who, as Government had good ground to suppose, had paid bribes would voluntarily come forward and without any promise of immunity would make confessions which might ensure their immediate

* Enclosure No. 1.

immediate degradation, dismissal, or prosecution in the criminal courts, the more especially when in order to render their own safety absolutely secure they had only to resolutely deny all cognisance of any payments. This Government was therefore placed in the predicament that it must either give the suspected officers a promise that if they spoke the truth, they would be granted immunity from evil consequences, and obtain on this condition such evidence as they could or would give, or refuse to furnish any such guarantee, and find itself left powerless and unable to take any action in the presence of what it believed to be a system of widespread and pernicious corruption, and of grave and criminal abuse of power. With these alternatives before us we felt no hesitation in deciding that in the circumstances, the preferable, indeed the essentially necessary, course to adopt was to authorise the offer of indemnity to witnesses.

We cannot but regard with the gravest apprehensions as to the future consequences to which it might give rise any revocation now of the guarantee solemnly granted and reiterated to the native officers who under the promise thus given came forward and candidly admitted the payment by them of money to Mr. Crawford or his alleged agents on his behalf. Any such signal breach of faith could only lead hereafter to disastrous results. It must tarnish the name of the British Government in this Presidency, and produce an utter want of confidence in the word of the rulers on the part of the ruled. Politically, as it is needless to add, this would constitute a most serious danger. Not only would such a measure render it impossible to expect in future any disclosures concerning any corruption on the part of officials in high places, however gross and however scandalous, but it would also keep back any informants in times of trouble or sedition. No man knowing the fate which had befallen those native officials who, relying on the formal promise of Government, had overcome their fears and boldly ventured to state what they had done or were aware of, would dare to avow a knowledge of any corrupt intrigues or treasonable conspiracy, and the Government would be left powerless, and in ignorance of what was passing until the administration was wholly disorganized, or the storm burst over the State.

In considering the question of the moral or criminal culpability of the officers who admit the payments by them of money, whether in the form of bribes, or in the shape nominally of loans, it is essential to bear in mind the important circumstance that in the majority of instances the payments were, as we believe, practically forced rather than voluntary. This view is supported by the opinion of high European and native officials in this Presidency, well competent to judge on the point. Those most competent to form a judgment in the matter regard the persons who confess to having paid money rather as the involuntary victims of an administration of the central division, which did not guarantee fair advancement to subordinates, who refrained from payments than as corrupt tempters of an upright and honourable Englishman in high place. Any breach of faith to men so situated would be viewed with indignation and abhorence by the great bulk of the community, and such a result cannot safely in our opinion be treated as a matter of trivial moment.

Enclosure No. 1, in No. 7.

TELEGRAM dated 23rd February 1889, from Government of Bombay to Secretary of State for India.

Officials suspended from magisterial functions appear at present to have yielded to extortion, not to have paid voluntarily. They are retained in their executive offices pending a decision on the Crawford case. Government pledged itself to this as absolutely necessary to obtain information. Any departure from the pledges would cut off information in case of future inquiries, and might involve the gravest political dangers, by preventing disclosures concerning treasonable projects. Public opinion here having regard to the circumstances and the generally high character of the officials in question, does not regard their character as seriously affected, and would be revolted by any breach of faith to them. No complaint is made here of their retention of executive functions. General statement of the case was sent in our Despatch by mail of the 15th of February.

Enclosure No. 2, in No 7.

EXTRACT from Letter, dated Bombay Castle, the 22nd February 1889, from the Chief Secretary to the Government of Bombay to the Government of India, Home Department, Calcutta.

IT is the case that certain native officials employed in the Central Division of this Presidency made statements before the officers engaged in conducting the preliminary investigation and subsequently before the Commission appointed to inquire into the charges brought against Mr. Crawford, to the effect that they had paid money for various specified objects to Mr. Crawford, or to his alleged agents for him. It also is the case that, when the investigation was first set on foot by this Government in June last, the officer entrusted with its conduct, the Inspector General of Police, a covenanted civilian then of nearly 18 years' service, was specially authorised by this Government to make promises of indemnity to witnesses, and did avail himself of the power thus conferred on him and gave such promises when asked for, and when it seemed to him expedient to do so.

It seems to the Governor in Council that it was in the circumstances obviously necessary to allow this indemnity. The history of the initiation of the investigation into Mr. Crawford's conduct, of the causes which led to it, of the information elicited, and of the progress made up to the middle of August last is furnished in my letter,* No. 5586-92 (Confidential), dated 17th August 1888. It seems unnecessary now to travel again over the same ground. It seemed practically impossible to bring home his guilt to one who was *primâ facie* a great and audacious offender without making concessions to the fears and interests of those who, though not free from blame, had been rather the victims than the willing accomplices of their superior. The Government exercised its best discretion in the matter, and has no reason at present to suppose its discretion was wrongly exercised. But further discussion of that subject is undesirable while this Government has still to pronounce its judgment on the case against Mr. Crawford, as developed in the proceedings before the Commission.

The indemnity offered was immunity from prosecution for corrupt practices by Government to any person giving evidence, and in cases of payments for promotion, or to obtain or avoid transfers, a guarantee of exemption from official or departmental punishment or loss, the condition being that the person making the statement should tell the whole truth without reservation and without exaggeration. It was left to the Inspector General of Police to exercise his discretion in deciding to what persons the promise of indemnity should be made.

At first, however, even with this promise, some difficulty was experienced in inducing persons, who it was believed on the information before Government had given bribes, to admit that they had made payments. They still feared the possible results of their admissions, and hesitated to believe that in the long run they would not eventually be the sufferers, doubting whether any credence would be attached to their statements reflecting on the character of a high European official, and fearing that finally they would be crushed by or through him. All the earliest statements were recorded under an express promise of immunity. Later on, when a feeling of increased confidence had sprung up, and it was seen that Government was acting resolutely and that no harm had befallen the men who had first come forward, the witnesses were less exacting in demanding the guarantee.

The Governor in Council, I am to observe, is distinctly and emphatically of opinion that the pledges thus given under the special authorisation of Government must be strictly kept, and that to depart from them now would be a grave and dangerous breach of faith, productive of calamitous consequences. Express promises made by the British Government, and acted on by their recipients with perfect confidence, cannot be broken without reflecting the most serious discredit on that Government, and shaking the belief of the entire Native community, high and low, in the justice, impartiality, and integrity of its rulers. It

* An extract from the letter referred to is printed on pp. 293-297 of Command Paper 5701 of 1889.

It is impossible to lose sight of the inevitable political results of such action as the violation by Government of its own formal guarantee.

This Government has, in accordance with what it judged to be the desire of the Secretary of State as communicated in his telegrams (copies of which are annexed*), directed the suspension pending further instructions from the exercise of judicial functions in their magisterial capacity of certain officers who might be held, on their own statements, to have paid money to secure appointments to which are ordinarily attached magisterial powers of higher class than those exercised by them at the time the payments were made.

— No. 8. —

COPY TELEGRAM from Secretary of State to the Governor, Bombay, dated 9th April 1889.

CRAWFORD Despatch will reach you about Monday next. With reference to last paragraph† of your Revenue Despatch, No 9, I quite approve your considering state of service generally, and shall await report with interest. As to incriminated magistrates, general rule must be, that those who have given bribes must be deprived of magisterial functions, and must leave it to you to discriminate between cases, but I appreciate importance of pledges given by Government; and also leave it to you to provide such compensation for individuals as you may think necessary. Prompt action is essential. You are at liberty to make known my views if you think advisable. Have all who confessed corruption been suspended? *See* my telegram of February 7.

— No. 9. —

COPY TELEGRAM from Governor, Bombay, to the Secretary of State, dated 13th April 1889.

YOUR Lordship's telegram, 9th April. General rule does not necessitate further suspensions besides those ordered on receipt of your telegram of 7th February, as definite orders will be promptly issued in case of subordinate officers on receipt of Despatch regarding Crawford case, expected here on Wednesday.

— No. 10. —

COPY TELEGRAM from Governor, Bombay, to the Secretary of State, dated 29th April 1889.

YOUR telegram, 9th April. Rule has been operating. Despatch follows next mail.

— No. 11. —

LETTER, dated Bombay Castle, 3rd May 1889. (Received at India Office, 20th May 1889.) From the Government of Bombay to Her Majesty's Principal Secretary of State for India in Council.

My Lord,

IN reply to your Lordship's telegram of the 9th ultimo informing us that "as to the incriminated magistrates the general rule must be that those who have given bribes must be deprived of magisterial functions," leaving it to us "to discriminate cases," expressing your appreciation of the importance of pledges given

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* *See* Nos. 1 and 3 *ante*.

† *See* p. 205 of Command Paper, No. 5701 of 1889.

given by Government and entrusting it to us to provide such compensation as we may think necessary, we telegraphed on the 13th idem, "General rule does not necessitate further suspensions besides those ordered on receipt of your telegram of 7th February, as definite orders will be promptly issued in case of subordinate officers on receipt of Despatch regarding the Crawford case expected here on Wednesday." Since then we have received your Lordship's Despatch No. 6, Public, dated 29th March last, containing the decision in the Crawford case, and have given the fullest consideration to the reports received from the Commissioner and Collectors under whom are serving the native officials who admitted having made payments to Mr. Crawford or his reputed agents.

This difficult and important subject has received our most careful attention. In our opinion the incriminated officials must be divided into two classes; the first comprising those—a comparatively small number—who either practically volunteered the payment of bribes to secure their own objects, to gain undue promotion, or to escape the results of previous misconduct, or who on but slight provocation or under slender temptation paid money to purchase favours to which they had no substantial claim; the second including those who only paid under extreme pressure in order to avoid unmerited degradation, unjust supersession, or transfers ruinous to their purse and destructive as they feared of their health, or who gave money in despair and on repeated applications to prevent, as they believed, the blasting of their official careers. Between these two classes, and the treatment of the persons embraced in them, a wide and marked distinction must in our opinion be made. The pledges granted must in every case be kept: to fail to do so would be a grievous breach of faith of which the effects would certainly be serious and far-reaching. But those officials who voluntarily, or virtually voluntarily, paid bribes to gain steps to which they were not entitled, and thereby to pass over and injure senior and not less capable men, or to obtain other undue advantages, stand on a very different footing from, and deserve graver censure and more severe condemnation than, those who practically paid under compulsion, and were merely the reluctant victims of a widespread and all-powerful organised system of rapacious extortion. The latter, it is true, succumbed to temptation, but the temptation was overwhelming and one which even men of far stronger and more robust mental mould than the ordinary Bráhman officials of Western India could not have long resisted Guided by this principle we have exercised the discriminatory power entrusted to us by your Lordship, deciding to deprive of magisterial functions those of the officers implicated who on full and minute examination of all the circumstances connected with each individual case were deemed by us to have evinced such a lack of moral rectitude as fairly to bring them within the category to which the general rule of your Lordship's instruction should apply. In the other instances, where the facts established were regarded as sufficient to palliate the offence and so to extenuate the sin as to render it really venial, we do not propose to take any action beyond giving instructions to the Commissioner of the Division directing that no promotion should be granted to the persons in question without our special permission.

The native officers implicated in the transactions with Mr. Crawford or his alleged agents are not unfrequently referred to as the "corrupt officials" or "corrupt magistrates." This however, we would submit, is a somewhat inaccurate mode of describing them, and involves them in an implied condemnation which few indeed, if any, of them merit. The one act of corruption, if so it can correctly be termed in the vast majority of instances, of which they have been guilty is that they by their own admission paid money to their late chief and Commissioner, Mr. Crawford, or his believed agents, to secure for themselves some gain or to ward off from themselves some misfortune. It is not even alleged or insinuated that they have themselves taken money or extorted bribes, that they have abused their magisterial powers, employing them as a means to enrich themselves, or that they have sold justice. As magistrates their record is unstained. They have not been the bribed, they have been the bribers; but they have committed but the one offence and of that they were for the most part guilty under the stress of sore temptation, borne down by what seemed to them the overwhelming strength of irresistible power. They yielded to circumstances, but those circumstances were, and not perhaps unnaturally,

in their eyes, a remorseless destiny against which it was unavailing to endeavour to contend. But for this solitary lapse from, for Orientals, a high standard of virtue, their reputation for integrity is unblemished.

We have already, in our Despatch to your Lordship, Revenue Department, No. 3, dated 15th February last,* explained the nature of the indemnity given, the circumstances in which it was granted, and the facts which in our opinion at the time rendered essential the promise of this guarantee. But we may perhaps now venture to offer a few further remarks on this subject. The order authorising the grant of the indemnity was as follows:—"Mr. Ommanney is empowered to promise immunity from prosecution to any person giving evidence, and in cases of payment for promotion or to obtain or avoid transfers may guarantee immunity from official or departmental punishment or loss, subject to the stipulation that the evidence given is the truth, the whole truth, and nothing but the truth." *In limine*, we would observe that this indemnity was not of the nature of a general amnesty covering all past offences committed by those to whom it was given. On the contrary, it was distinctly limited to the one particular act and its attendant circumstances—to the specific payment of money to Mr. Crawford or his reputed agents to purchase promotion, to avoid supersession, or to escape transfer or degradation in rank. The person giving evidence admitting the payment by him was simply assured that he would not be prosecuted by Government on his own admission, nor would he be dismissed, degraded, or otherwise departmentally punished, because he had paid the bribe. Beyond this the indemnity did not go. In the event of any accusation of corruption or misconduct other than that involved in the payment of money to the late Commissioner or his reputed intermediaries being hereafter preferred against any official to whom the indemnity was given, that guarantee would not operate as a bar to prevent full investigation into the charge and the punishment of the officer complained against if on the evidence produced his guilt was established.

The giving of the pledge, we would add, was not authorised by us precipitately or without full consideration. We were advised that such a step was indispensable, and, on a careful examination of the circumstances, we arrived at the conclusion that the measure was essential. The reasons which influenced our judgment are set forth in paragraph 3 of our Despatch of 15th February last, to which we would solicit reference. Without the guarantee few, if any, witnesses would have come forward, as they would have feared lest they might bring about their own ruin, and little, if any, evidence would have been forthcoming. It was virtually impossible to obtain full information with regard to the allegation of the existence of administrative malpractices violating the recognised principles of British administration, and thus defeat an organised system of widespread corruption and extortion, without relieving from all dread of personal consequences the individuals who had yielded to the illegal demands pressed either directly or indirectly, as they thought, by the highest European authority in the division, on whom all their future prospects were absolutely dependent, and whose wishes, whatever they were, Orientals would never dream of disregarding. There was the less objection to an offer of pardon because the high respect in which all European officials are held would operate to obscure the real nature of the nefarious transanction to which, as these native subordinates believed, the Commissioner gave his patronage, and which constitutes in the majority of cases an isolated instance of dereliction of duty. The pledge thus offered was given, not to men who had administered justice corruptly, but to men who had, after more or less pressure had been exerted on them, succumbed to the prevailing system under which promotion had to be bought and the dispensers of justice bribed. The payments so made were, as judged by the English standard of official morality, discreditable, but were not disgraceful if tested by Oriental ideas of propriety. To court favour, to buy advancement in this manner, is undoubtedly reprehensible, but in India it is the national custom, which still obtains in many Native States, and though suppressed in the territories under British rule the disposition and tendency to secure place and pay by illegal gratifications remains dormant, ready always to manifest itself openly should opportunity occur and European officers of high rank be found willing to accept money, either directly or indirectly.

Neither

* See *ante*, page 4.

Neither amongst their European superiors nor amongst their own countrymen has confidence in the confessing Mámlatdárs been lost or even seriously impaired. Mr. Crawford has, under the orders of your Lordship in Council, been removed from the service; the agency by which bribes were demanded and received has been rendered powerless; English principles of honesty and good administration have been re-introduced; and an end has been put to that bribery which was the natural corollary, the inevitable sequel, of the system which recently prevailed, first in the Southern and afterwards in the Central Division. The persons by whom that system was introduced were well aware that it could be carried out with almost perfect impunity, for at least a considerable period, so long as an officer in the position of a commissioner was, or was believed to be, at its head. They knew that Native subordinates would not, save in extraordinarily exceptional instances (and then only by pseudonymous petitions or anonymous newspaper articles or letters) venture to complain or attempt to bring the abuses which had sprung up to the notice of Government. And the event justified their expectation. Corruption was rampant, first in the Southern and then in the Central Division, yet no native official, however harshly dealt with, and however unjustly mulcted, dared to come forward openly and lay his complaint before Government. They preferred to suffer in silence, fearing greatly utter ruin if they attempted to tell what they knew and what they had undergone. And to this day they would not have possessed the courage to bear testimony but for the solemn assurance of indemnity given to them by Government.

We have, &c.
(signed) *Reay.*
Arthur.
J. B. Richey.
R. West.

— No. 12. —

Despatch, Public, No. 8, dated India Office, London, 9th May 1889, from Her Majesty's Principal Secretary of State for India in Council to the Government of Bombay.

My Lord,

My Despatch No. 6, dated the 29th of March last, has conveyed to your Excellency in Council my decision in the case of Mr. A. T. Crawford. After that Despatch had gone I received your letter, No. 9 (Revenue), dated the 15th of March, in the last paragraph of which it is mentioned that you are causing inquiries to be made concerning the Native officers who have been suspended from the exercise of magisterial functions, and concerning other Native magistrates who admitted having paid, or are believed to have paid, money corruptly in order to procure official advancement or other advantage.

2. The general question of the position of those officers having been further considered by me in Council, in connection with your letter above referred to, and your letters (Revenue), Nos. 6 and 8, dated the 1st of March, and in connection also with the earlier telegrams on the subject which had passed between us, I, on the 9th ultimo, telegraphed to your Lordship in the terms noted in the margin,* and I am glad to learn from your reply of the 29th ultimo† that the rule referred to in my telegram has been operating. I fully approve of your decision to make further inquiries, and the Despatch announced in your telegram, which I presume contains the result of those inquiries, shall receive my most careful attention.

* From Secretary of State to Governor of Bombay, 9th April 1889.

"CRAWFORD Despatch will reach you about Monday next. With reference to last paragraph of your Revenue Despatch, No. 9 I quite approve your considering state of Service generally, and shall await report with interest. As to incriminated magistrates, general rule must be that those who have given bribes must be deprived of magisterial functions, and must leave it to you to discriminate between cases; but I appreciate importance of pledges given by Government, and also leave it to you to provide such compensation for individuals as you may think necessary. Prompt action is essential. You are at liberty to make known my views if you think advisable. Have all who confessed corruption been suspended. *See* my telegram of 7th February."

† From Governor of Bombay to Secretary of State, 29th April 1889.

"Your telegram, 9th April. Rule has been operating. Despatch follows next mail."

3. In the meantime, I think it desirable now to explain more in detail my views upon the very difficult question as to how to deal with these officers.

4. The facts I understand to be substantially as follows: Your Excellency in Council, having determined to sift to the utmost the charges of corruption

which had been made against Mr. Crawford, found it necessary to obtain the evidence of persons who are believed to have themselves actually made payments to Mr. Crawford or his agents. Several of these persons were Native magistrates, who apparently would not come forward and confess their share in the alleged corrupt transactions without being first promised complete immunity in respect of what they had done. Your Government thereupon gave them a promise, not only of immunity from criminal prosecution, but also of complete freedom from dismissal from office or degradation such as would ordinarily follow admitted corruption. On receiving this promise the men gave evidence to the effect that they paid money as bribes to Mr. Crawford or his agents, and they have since been retained in their several places, but your Excellency in Council has, in consequence of my telegraphic instructions, suspended them from the exercise of magisterial powers.

5. I sympathise with you in the desire to get at the truth of the charges of corruption which were made against Mr. Crawford, and I am not prepared to object to the promise given of immunity from criminal prosecution. But I cannot think that it can be for the public good, or for the furtherance of justice and official honesty, that mamlatdars, with magisterial powers, who say they gave bribes to secure promotion or other advantages, should be retained on the judicial bench. Their retention would, in my opinion, be unfair to the people subject to their jurisdiction, it would tend to lower the dignity of and respect for the Native magistracy, and it would undo much of the good which will, it is to be hoped, result from your Excellency's endeavours to trace out and punish official corruption in the Central Division of your Presidency. Holding these views, I was obliged to lay down the general rule that those who have given bribes must be deprived of magisterial functions, while I left it to you to discriminate between cases.

6. Though I cannot uphold the promise that their offices should be secured to them, I nevertheless recognise that the men who gave evidence on the faith of that promise, and who, in the opinion of your Excellency in Council, gave their evidence truthfully, may, in some cases, have a claim upon Government which would justify the grant of compensation. I shall therefore be ready to favourably consider such compensation as you may in any particular case recommend for such officers as may be affected by the orders which, in consequence of my instructions, you may find it necessary to pass.

7. I request that the steps which you consider it advisable to take in this matter may be communicated to me by telegraph at the earliest date possible.

I have, &c.
(signed) *Cross.*

— No. 13. —

COPY TELEGRAM from Secretary of State to Governor, Bombay, dated 28th May 1889.

YOUR Despatch of 3rd instant gives no details. When shall I receive report containing full particulars of action taken by your Government in the cases of all the incriminated mamlatdars? *See* paragraph 7 of my Despatch of the 9th instant.

— No. 14. —

COPY TELEGRAM from Governor, Bombay, to Secretary of State, dated Mahableshwar, 28th May 1889.

DOES paragraph 2 of our Despatch of the 3rd May, containing the principle on which we have now dealt with the whole of the cases of the inculpated Native officers, fulfil requirements laid down in your Despatch of 9th May, or are the orders issued by us to be cancelled?

EXTRACT

— No. 15. —

EXTRACT from Telegram from Governor, Bombay, to the Secretary of State, dated 29th May 1889.

Category and Numbers are as follows:—

Dismissed - - - - - - - -	3
Deprived of all judicial functions - - -	9
Transferred and powers withdrawn - -	3
Under special supervision - - - -	10

— No. 16. —

COPY TELEGRAM from Secretary of State, to Governor, Bombay, dated 3rd June 1889.

YOUR Telegram of 29th May last, Mamlatdars. I am unable to reply to your telegram of 28th May last until I have received full particulars, which I await.

— No. 17. —

LETTER No. 24, dated Bombay Castle, 4th June 1889, from the Government of Bombay to Her Majesty's Principal Secretary of State for India in Council.

My Lord,

WITH reference to your Lordship's Despatch, No. 8 (Public), dated the 9th ultimo, and telegram of the 28th idem, and in continuation of our Despatch, No. 21, Revenue Department, dated the 3rd ultimo, and telegram of the 29th idem, we have the honour to forward a copy of our Resolutions in the Revenue Department, No. 3417, dated 8th May 1889, and No. 4026, dated the 3rd instant, and a statement showing the names and designations of the native officials in the Central Division who made or are alleged to have made money payments to Mr. Crawford, the late Commissioner, or his reputed agents, the opinions expressed regarding them by the Collectors and Commissioners under whom they have served or are serving, and the orders passed by us in each instance.

2. It will be perceived that of the 24 officers possessing magisterial powers who admitted having made payments in some guise or under some pretext, nine who we consider are proved to have secured promotion or other advantages have been deprived of all judicial functions, three others falling within a similar category have had all judicial powers withdrawn and have been ordered to be transferred, eight have been debarred from all promotion and from investiture with higher magisterial powers without our special authorisation, one has retired, and in the case of three no orders have been deemed necessary. Two officers who do not hold any magisterial powers have been ordered to be transferred, and their promotion has been prohibited save with the previous special permission of Government.

3. The statement also shows the names of three officials who have been dismissed from Government employ, either for complicity in the payment of bribes or because they had given evidence proved to be false, and the names of other officials whose cases are still under investigation.

We have, &c.

(signed) *Reay.*
Arthur.
R. West.
C. B. Pritchard.

Enclosure No. 1, in No. 17.

RESOLUTION by the Government of Bombay, Revenue Department, No. 3,417, dated Bombay Castle, 8th May 1889.

UNDER orders issued on 8th February last, the Governor in Council was pleased to direct that the following native officials should be suspended from the exercise of magisterial functions :—

(1) Ráo Sáheb Venkatesh Krishna Dravid.
(2) Ráo Sáheb Dáji Ballál Paránjpé.
(3) Mr. Balwant Náráyan Dabir.
(4) Ráo Sáheb Bhagwant Balwant Pradhán.
(5) Ráo Sáheb Rámchandra Yashwant Chaubal.
(6) Ráo Sáheb Ganesh Pándurang Thakár.

On further careful consideration of all the circumstances connected with the cases of these six officers, the Governor in Council is of opinion that whilst the suspension from the exercise of magisterial powers should be converted into substantive privation in the instance of Messrs. Dravid, Paránjpé, and Dabir, it should be removed in the case of Messrs. Pradhán, Chaubal, and Thakár, and these three last-mentioned officers may accordingly now be permitted to resume the exercise of magisterial powers as before the issue of the orders of 8th February.

2. The Governor in Council is further of opinion that, in view of the facts relating to their conduct in respect of the payment of money to Mr. Crawford or his alleged agents disclosed in the evidence recorded and reports received, the following officers should now be deprived of magisterial powers :—

(1) Ráo Sáheb Shankar Bhálchandra Bápat.
(2) Ráo Sáheb Janárdan Eknáth Sahasrabuddhé.
(3) Ráo Sáheb Sakhárám Chimnáji Joshi.
(4) Ráo Sáheb Rámchandra Govind Mangrulkar.
(5) Ráo Sáheb Mahádev Bálkrishna Khásnavis.
(6) Ráo Sáheb Vithal Thikáji.

The Collectors under whom these officers are employed as Mámlatdárs should make such arrangements as may be necessary for the disposal by the Assistant or Deputy Collector in charge of the táluka or by the Head Kárkun of the táluka of such cases as would ordinarily be tried by the officers in question.

3. The Judicial Department should be requested to issue the necessary orders under section 41 of the Code of Criminal Procedure, withdrawing the magisterial powers conferred on Messrs. Dabir, Dravid, Paránjpé, Bápat, Sahasrabuddhé, Joshi, Mangrulkar, Khásnavis, and Vithal Thikáji.

4. It will be for the Commissioner so to exercise his power of transferring officers as to diminish as far as practicable the public inconvenience caused by the withdrawal of magisterial powers from the officers above-named. Mr. Moore should also use his discretion with regard to the transfer to other districts from those in which they are now serving of Mámlatdárs whose conduct has been such as to render their transfer expedient, although it has not been of so censurable a nature as to require their deprivation of magisterial powers.

5. The Commissioner should report which of the officers named in paragraph 4 are now invested with first-class powers, and also which, if any, of them are now actually in receipt of the allowance of 40 rupees per mensem, and in the case of the latter, where they are stationed, and for what periods since his investiture

investiture with first-class powers each has drawn the allowance; also for what further period each in the general course of transfers would in ordinary circumstances probably continue to draw the allowance.

6. The Commissioner should report what progress has been made with the departmental inquiries directed to be instituted in the case of Messrs. Khásnavis and Kalavdé.

(signed) *John Nugent*,
Chief Secretary to the Government of Bombay.

To the Commissioner, C. D.

To the Judicial Department of the Secretariat.

Enclosure No. 2, in No. 17.

RESOLUTION by the Government of Bombay, dated Bombay Castle, 3rd June 1889.

IN paragraph 3 of Government Resolution, No. 3417, dated the 8th ultimo, the Governor in Council ordered that Messrs. Dravid, Bapat, Sahasrabudhe, Mangrulkar, Paranjpe, Joshi, Khasnavis, and Vithal Tikaji, Mamlatdars employed in the Central Division, and Mr. Dabir, a Head Karkun employed in the same Division, should be deprived of their magisterial powers. He is now further pleased to direct that Messrs. Kelkar, Bivalkar, and Nasikkar, being also Mamlatdars serving in the Central Division, should be transferred from the districts in which they are at present employed, and that the magisterial powers held by them should be withdrawn.

2. The Governor in Council considers it expedient that the eleven Mamlatdars named in the preceding paragraph should cease to exercise any judicial functions under Bombay Act III., of 1876, "The Mamlatdars' Courts Act." The Judicial Department should be requested to issue the requisite notification investing the Head Karkuns of the talukas in which the eleven officers in question are doing duty as Mamlatdars with the powers of a Mamlatdar under the Act. His Excellency the Governor in Council desires that all suits arising under the Mamlatdars' Courts Act in the talukas in which these eleven officers are serving as Mamlatdars may be dealt with by the Head Karkuns thus specially authorised.

3. Government have had under their consideration the cases of Messrs. Tambe, Sindekar, Nagarkar, Pradhan, Chaubal, Patwardhan, Phadke, and Chincholikar, Mamlatdars employed in the Central Division, of Mr. Vinze, Chitnis, and of Mr. Rajguru, Deputy Chitnis. As regards the eight Mamlatdars above-named the Governor in Council is pleased to direct that they are to receive no promotion hereafter without the previous express sanction of Government, and that in the event of the promotion or the investiture with higher magisterial powers of any of these officers being proposed the present proceedings should be borne in mind and attention specially called to them. Messrs. Vinze and Rajguru do not possess any magisterial powers. Neither of these officers should receive promotion without the previous sanction of Government, and in case of any recommendation being preferred for the promotion or the investiture with magisterial powers of either of them the orders now issued should be specially brought to notice. Mr. Vinze has already been transferred as Chitnis from Nasik to Satara. The Commissioner should at once arrange to transfer Mr. Rajguru from Satara to some other Collectorate.

(signed) *J. Nugent*,
Chief Secretary to Government of Bombay.

To
The Commissioner, C. D.,
The Judicial Department of the Secretariat.
The Accountant General.

Enclosure No. 3, in No. 17.

STATEMENT of Decision as to Subordinate Officials whose Conduct has been subject of Inquiry owing to the Crawford Case.

Name and Designation of Official as to whom Inquiry has been made.	Guaranteed, Yes or No.	OPINION OF COLLECTOR.	OPINION OF COMMISSIONER.	DECISION OF GOVERNMENT.
1.	2.	3.	4.	5.
(1.) Rao Saheb Mahadev Narayan Fulmandikar, Mamlatdar of Maval in the Poona District.	Yes; denied payment.	Mr. East states that he knows nothing about Mr. Fulmandikar.	Not given - - - - - -	The chief point against this officer in corroboration of Hanmantrao's story of the payment by him of 1,000 rupees, is the loan of ornaments to the value of about 1,000 rupees given by his father to Hanmantrao when proceedings were instituted against the latter in July last. It also appears that this Mamlatdar and Hanmantrao were on terms of close intimacy, but these facts alone do not furnish sufficient grounds on which to base a charge of corruption, nor can any particular weight be attached to the somewhat rambling statement made by N. J. Deshpande—himself an untrustworthy witness—which indeed does not support the allegation of the payment of 1,000 rupees by Fulmandikar, but if accepted as true would rather go to show that he had acted as an agent to collect money from others for Hanmantrao. Fulmandikar seems on one occasion to have been promoted over the head of a senior Mamlatdar, and on another to have been himself superseded by a junior. These circumstances are not in themselves suspicious. Mr. East is prosecuting inquiries to ascertain Fulmandikar's general character and reputation, and before submitting his further report on the subject, should ascertain from Mr. Allen what opinion that gentleman entertained of this Mamlatdar, who seems to have served under him for a considerable period in Sholapur. If any further substantial and credible evidence comes to light, Government can then take such steps as may be deemed necessary, but it cannot at present be said that there is any adequate ground for action against this officer.
(2.) Rao Saheb Raghunath Vasudev Dashputre, Mamlatdar of Nandgaon in the Nasik District.	Yes; denied payment.	Mr. Grant writes :—"I was favourably impressed when visiting his (Mr. Dashputre's) charge by his revenue administration and have no complaint to make against him as a Magistrate. * * * I have never heard his general character for honesty and integrity impugned." Mr. Doderet writes: "I have had on no occasion reason to suspect him for want of honesty and integrity, and consider that he shows considerable ability in the discharge of his functions as an executive officer. As regards magisterial work I am less able to judge, Mr. Dashputre being a First Class Magistrate and appeals from his decisions going to the Sessions Court." Mr. Davidson states that he has known Dashputre for about two years, and considered that "though he was not a strong Mamlatdar he did his work well without being in any way a brilliant officer." I had no reason to suspect his integrity. * * * I trusted Dashputre quite as much as almost any Mamlatdar in the district.	Not given - - - - - -	As against the bare and uncorroborated assertion of Hanmantrao that 300 or 400 rupees were paid on behalf of Dashputre by one B. V. Godbole to avoid transfer to Nandurbar, must be set the positive denial of Dashputre that he paid any money, and the high character for efficiency and integrity he bore, as evinced by his promotion by Mr. Roberts on, and by the opinions of him recorded by Messrs. Grant, Davidson, and Doderet. It seems not unlikely, looking to Hanmantrao's character, that Dashputre's honesty and good reputation should have been to him a sufficient reason for denouncing that officer. But, however this may be, Hanmantrao's unsupported statement is obviously not a sufficient basis on which to institute a formal inquiry, which, unless that statement was very substantially corroborated, must necessarily prove abortive.
(3.) Rao Saheb Balkrishna Narhar Dani, Mamlatdar of Karmala in the Sholapur District.	Yes; denied payment.	Mr. Candy writes :—"He (Mr. Dani) bears, I consider, a good character for honesty and integrity, and in ability he is not wanting. He is a First Class Magistrate. I am placing the fullest confidence in him in the discharge of his executive and magisterial functions, and as yet I have no reason to complain of him in any way." Mr. Allen writes :- "I never to my recollection heard anything against him. He did his work satisfactorily."	Not given - - - - - -	It would clearly be unsafe in this case to act on the mere statements of two such men as Hanmantrao and V. G. Deshmukh without sound corroboration derived from other sources. The corroboration supplied, or believed by the Inspector General of Police to be supplied, from the notes in the confidential register is of the most shadowy character. On a consideration of all the known facts it appears to be most likely that Mr. Crawford, whilst yielding to the request of the Collector for Dani's transfer elsewhere felt, either at the time or very speedily afterwards, that the reasons assigned for the request were not really of a serious description, and that Dani merited some compensation for the inconvenience caused to, and the slur cast on him. The supersessions, as alleged, of other officers by Dani, on which Mr. Ommanney lays considerable stress, do not appear to have been specially remarkable, and in any case are not such as to give real ground for suspicion. In the opinion of the Governor in Council no sufficient cause has been shown for any further proceedings in this instance.

STATEMENT of Decision as to Subordinate Officials whose Conduct has been subject of Inquiry owing to the Crawford Case—*continued.*

Name and Designation of Official as to whom Inquiry has been made.	Guaranteed, Yes or No,	OPINION OF COLLECTOR.	OPINION OF COMMISSIONER.	DECISION OF GOVERNMENT.
1.	2.	3.	4.	5.
(4.) Rao Saheb Narayan Vishvanath Bhat, Mamlatdar of Sindkheda in Khandesh.	Yes; denied payment.	Mr. Loch writes:—"I came here (Khandesh) in the rains, and I have not seen so much of him (Mr. Bhat) as of the others. He is evidently very anxious to create a good impression, and I have no reason to believe he is not respected. He is active and knows his work. He is one of the old type of Mamlatdars. So far as I have been able to judge, his magisterial work is satisfactory."	Mr. Robertson thought fairly well of Mr. Bhat, as also did Mr. Crawford. No opinion on merits of case by Mr. Moore.	The evidence, such as it is, brought forward in the instance of this officer, is not, in the opinion of Government, such as to justify a belief that any case, even of a *primâ facie* kind, has been established against him. Of the three versions given of what actually occurred, that supplied by Mr. Bhat appears to be the most probable and truthful. His accusers are not persons to whom much credit is to be given, Hanmantrao and Deshmukh, and their statements as to what did happen, the sum paid, and the object for which it was paid, are very discrepant. No further action is called for in this case.
(5.) Rao Saheb Vinayak Vishvanath Lele, Mamlatdar of Tasgaon in the Satara District.	Yes; denied payment.	Mr. Keyser writes:—"He (Mr. Lele) is believed to be in league with the leading Brahmans at Tasgaon. He struck me when I was there as being afraid of offending them, and I intended suggesting his removal. He is a plausible, well-spoken man, and his efforts to ingratiate himself with me were very apparent. As a magistrate he is wanting in discretion, as far as my review of cases disposed of by him has enabled me to form an opinion, and although I have, perhaps, slender grounds for forming a judgment, I have little confidence either in his honesty or his ability. He was intriguing to get placed on the list of Deputy Collectors, and admitted promising money to Mr. Crawford if he succeeded. I do not suppose he gave me a true account of what took place, but I am sure that he attempted to get promotion by illegal means, and I think it probable that the action was spontaneous on his part." Mr. Allen writes:—"The only Mamlatdars I positively distrusted were Bindu Gopal and Vinayak Vishvanath Lele, who was at Barsi when I came to Sholapur, and for some time after till, I think, the end of January 1888. He has a very bad reputation, and was said to take money right and left. I had been making inquiries about him when he was transferred to the Satara District."	None - - - - - - -	The case against this officer is *primâ facie* much stronger than that against any other of the officials referred to in these reports. There is no direct evidence as to the payment of a bribe, but there is evidence to show that about the time the alleged payment was made, Lele raised money at Barsi and remitted it to Poona, and that during the 17 or 18 months he was serving as Mamlatdar at Barsi he paid away and invested a materially larger sum than his salary amounted to, without taking into account his household and living expenses. Further, on his own admission, Lele borrowed money in the taluka of which he was Mamlatdar, and supplied money to his brother to carry on contracts for road repairs in the taluka; by so doing he has distinctly violated standing orders. Moreover, the reports regarding Lele by the Collectors under whom he has most recently served, Messrs. Keyser and Allen, are very unfavourable. In view of all these circumstances, the Governor in Council deems it necessary to direct the suspension of this Mamlatdar, and to order a departmental inquiry to be forthwith instituted into his alleged misconduct in respect of the payment of the bribe, of borrowing within his jurisdiction, and of practically trading in partnership with his undivided brother in the business of road repairs contracts. The inquiry should be held by the Collector of Sholapur, as it was in that district that the alleged misconduct occurred. A copy of Hanmantrao's statement concerning him should be given to Lele, who should be required to give in his answer to it in writing, and should further explain his remittances to Poona, and the fact that his expenditure whilst at Barsi largely exceeded his salary. Mr. Ommanney should see that all the evidence available in his possession is fully placed before the Collector. (Now under suspension.)
(6.) Rao Saheb Ganesh Ballal Mulekar, Mamlatdar of Nandurbar in the Khandesh District.	Yes; denied payment.	Mr. Loch writes:—"He (Mr. Mulekar) is, I believe, generally popular, and well spoken of. He is a man of good abilities and pleasant manners, but he is not a careful workman, and I do not think he looks after his office as well as he should, nor does he know his taluka as well as he should. His magisterial work is fair, but gives one the impression of being hastily done. He is not a man in whom I should place very great confidence."	None - - - - - - -	Both Hanmantrao and Deshmukh accuse this officer of having paid a bribe either in order to obtain promotion to the second grade of Mamlatdars or else as a fee or reward after his promotion. The character of these two disreputable informers is not of such a nature as to lend any weight to their statements, and both as to the amount of the bribe alleged to have been paid and as to the time of payment, their stories vary. The circumstances, however, attendant on Mulekar's promotion in November 1886 appear to be distinctly suspicious. In July or August 1886, Mr. Crawford noted in the confidential register that Mulekar had been unfavourably reported to Government. In August a note was made in the register to the effect that Mr. Cooke had asked for Mulekar's transfer to another district. Yet, on 4th November 1886, Mulekar was promoted to be *sub. pro tem.*, Second Grade Mamlatdar, with effect from 13th July, and on the 19th idem he was confirmed in that grade, superseding, according to Mr. Ommanney's statement, 12 senior men. Apart from the possibility of his having secured his promotion by corrupt means, it appears that Mulekar had friends and influence in the office of the Commissioner. This fact might, perhaps, account for his being recommended and promoted, whilst the entries to his disadvantage were concealed or slurred over through carelessness, or the reliance of the Commissioner on the suggestions made by the agencies surrounding him. Seeing, however, the corrupt system which, even then, had sprung up in the Central Division, it is, perhaps, not unnatural to attribute the rapid and apparently undeserved promotion which Mulekar secured to bribery as at least a *vera causa* entitled to hold the field until some other can be found to supplant it. It would be impossible to dismiss or even degrade Mulekar on such testimony and such suspicion as is here adverted to. It may be that, working on the strange promotion as a datum and the only known fact, Hanmantrao and Deshmukh have framed stories to fit into the circumstances, but the Governor in Council is of opinion that sufficient grounds exist in this case to warrant Government in desiring Mr. Moore to make such further inquiry as he finds practicable, and to submit his opinion whether, in future promotions, Mulekar should, as against those whom he superseded in 1886, be allowed the continuous benefit of the seemingly unaccountable advancement with which he was then favoured. If, in the course of his inquiry, the Commissioner discovers reasons which satisfactorily explain Mulekar's promotion, he should lay them before Government.

STATEMENT of Decision as to Subordinate Officials whose Conduct has been subject of Inquiry owing to the Crawford Case—*continued*.

Name and Designation of Official as to whom Inquiry has been made.	Guaranteed, Yes or No.	OPINION OF COLLECTOR.	OPINION OF COMMISSIONER.	DECISION OF GOVERNMENT.
1.	2.	3.	4.	5.
(7.) Rao Saheb Ramchandra Appaji Madhekar, Mamlatdar of Peint in the Nasik District.	No; not interrogated.	Mr. Grant writes:—"I have gathered nothing unfavourable concerning him (Mr. Madhekar)." Mr. Davidson writes that he "formed a very high opinion both as to his character and ability and had the fullest confidence in him," and adds that he considered the appointment of Madhekar to Nandgaon (Nasik) in November 1886 a "particularly happy one," and was "a good deal disappointed" when it was cancelled at the request of the Collector, who wanted an English-speaking Mamlatdar. Mr. Allen did not distrust Mr. Madhekar.	None - - - - - - -	From the papers submitted it appears that this officer has been allowed no opportunity of telling his own story. He has not been asked whether he paid money. He has not formally either admitted or denied payment. He has not been examined by Mr. Ommanney or his assistants in the inquiry. It is stated merely that "he was approached." How, in what manner, and with what result is not mentioned, nor is it clearly stated what agency was employed, but apparently Mulekar's own nephew, one Ganpatrao, a clerk in the Survey Commissioner's office, was deputed on the mission by Mr. Bhimbhai. This mode of procedure can hardly be deemed satisfactory. The only evidence against Madhekar is that furnished by the statements made by Hanmantrao and his nephew, N. J. Deshpande, who appears to have been utilised by his uncle as a sub-agent and money-collector. Copies of the statements made by these two men regarding Madhekar should be supplied to that officer, who should be requested to furnish a statement in writing on the matters to which they relate. This statement should be submitted to Government by the Commissioner, with his remarks. No further action in this case is called for.
(8.) Mr. Hiraji Framji, Head Karkun of Sindkheda in the Khandesh District.	No; denied payment.	Mr. Loch states that he has had little occasion to see Hiraji's work, and that he believes Hiraji was considered a good Head Karkun, but that Hiraji has not impressed him very favourably.	Not given - - - - - -	It is clear that no case has been made out for the removal from the service of this official, or for taking any steps seriously prejudicial to him so far as regards his present position. But though it is possible that he may have received his promotion on a reasonable and just estimate of his comparative merits, room undoubtedly exists for grave suspicion. The Commissioner should be desired to inquire and report whether in fairness to the several competitors whom he has superseded Hiraja Framji can be allowed, for purposes of future departmental rank and promotion, to retain the relative position to which he was advanced in 1887. If in the course of the inquiry thus to be instituted matters seriously affecting the character of Hiraji Framji or his fitness for retention in Government employ should be disclosed, the Commissioner should report them to Government.
(9.) Mr. Narayan Dadaji Limaye, Treasurer, Sholapur.	No; denied payment.	None - - - - - - - -	Not given - - - - - -	This officer is Treasurer at Sholapur. There is no evidence whatsoever to prove that he paid money to Mr. Crawford or his reputed agents. Obviously, no *primâ facie* case—hardly even the shadow of such a case—has been made out on which to order a formal inquiry into his conduct. Limaye's character may be considered to stand precisely as it did before Hanmantrao thought fit to enclose him in his widespread net of calumny.
(10.) Rao Bahadur Narhar Gadadher Phadke, Special First Class Subordinate Judge under the Dekkhan Agriculturists' Relief Act.	No - -	None - - - - - - - -	Not given - - - - - -	The evidence now laid before Government is not sufficient to warrant any active steps being taken against Mr. Narhar Gadadhar Phadke. It is indeed clear that he paid two or three visits to the notorious Kazi Abbas, and two of his near relatives, Vishnu Balvant Phadke and Purushottam Tapuji Phadke, have admitted the payment of bribes to Mr. Crawford through Kazi Abbas. Whether they did pay the money, as they allege, cannot now be satisfactorily established, but the stories told by them as to how they obtained the money cannot be regarded as satisfactory. If the bribes were actually given it seems improbable that Mr. N. G. Phadke should have been entirely ignorant of the transaction, but it cannot be assumed as certain that if the money was paid he was cognizant of the fact. What probably did happen was that Mr. N. G. Phadke, having heard the current rumours, first visited Kazi Abbas, but did not in any way definitely commit himself, and then gave hints, but nothing more than hints, to his relatives. This much is certain, that Mr. N. G. Phadke has not given such help as he might have done to facilitate the discovery of what had occurred, that he is connected with disreputable relations, and that he has not himself any fine sense of honour. These points should be considered whenever is character or his claims have to be weighed by Government.

STATEMENT of Decision as to Subordinate Officials whose Conduct has been subject of Inquiry owing to the Crawford Case—*continued.*

Name and Designation of Official as to whom Inquiry has been made.	Guaranteed, Yes or No.	OPINION OF COLLECTOR.	OPINION OF COMMISSIONER.	DECISION OF GOVERNMENT.
1.	2.	3.	4.	5.
(11.) Rao Saheb Venkatesh Krishna Dravid, sub. *pro tem.* fourth grade Mamlatdar of Parnar (Nagar).	Yes - -	Tolerably well satisfied with his work, but considers that he is not a very able officer, and that he requires to be kept up to his work. Does not refer to his honesty. In Satara he had an indifferent record as Karkun and Head Karkun.	Mr. Moore writes :—"This is another unsatisfactory case. Dravid paid money in order to get a mamlat to which he was not entitled, and over and above this, he acted as a kind of agent to Moro Raghunath Biyalkar, Mamlatdar of Koregaon, by paying 500 rupees to Hanmantrao on that official's behalf. I confess that this action on his part compels me to admit, without taking other circumstances into consideration, that he is unfit to exercise executive and magisterial functions. In consequence of certain irregularities alleged to have been committed in the trial of a criminal case, he was reduced to a clerk's place, but without loss of pay. He felt, I presume, that he had been unjustly treated, and so, knowing of the purchase system, the idea suggested itself to him that he would purchase a mamlat. Had there been no such system he would not have thought of buying a mamlat, and some allowance must be made for this as well as for his grievance and for the assistance which he rendered to Government by making his statement."	Deprived of magisterial powers by Government resolution No. 3,417, dated 8th May 1889.
(12.) Rao Saheb Vishnu Raghunath Kelkar, L.C.E., Mamlatdar of Shevgaon, Ahmednagar District.	Yes - -	Mr. Waddington writes :—"I came to this district in 1885, and have, with each year's experiences of his work, had the more reason to be satisfied with it."	Mr. Moore writes :—"Supersession, transfers, and threats extorted the money in this case. Two juniors are put over his head, and then he receives temporary promotion, but he is posted to a wild and out-of-the-way sub-division." * * * "I cannot blame this poor victim. He knew that he was in the hands of Hanmantrao, and that he must do as he told him, or take the consequences. I have not lost confidence in Mr. Kelkar; he is a most excellent officer, and I shall be very glad to keep him in this Division." Mr. Robertson recorded of him :—"Appears able and intelligent :" "Well spoken of by collectors and assistant collector for work in collecting revenue arrears."	Ordered that he should be transferred and his magisterial powers withdrawn, compensation being granted to him for the loss of the allowance of 40 rupees per mensem drawn by him as a Magistrate of the first class.
(13.) Rao Saheb Shankar Bhalchandra Bapat, B.A., Mamlatdar of Nevasa, Ahmednagar District.	Yes - -	Mr. Waddington writes :—"He (Mr. Bapat) came to this (Ahmednagar) District in July 1888 and was almost immediately suspended. The reason for his suspension was not communicated to me. His work since his return to duty about four months back has been fairly good." Mr. East, under whom Mr. Bapat has served as a Mamlatdar, states that he "never heard of anything to his disadvantage before he was mixed up in the Crawford scandal." He served under Mr. Moore as Mamlatdar of Saswad in Poona and was considered by him "in every way a most promising officer." Mr. Moore "had every confidence in his integrity."	Mr. Moore writes :—"From the facts before me, then, it appears that the Mr. Bapat did not offer to buy promotion. He naturally desired to be promoted, and when Mr. Crawford asked him for 1,000 rupees, he equally naturally did not like to refuse and to mar his prospects. Similarly, with the 500 rupees, he did not pay it in order to purchase promotion, but having secured most extraordinarily rapid promotion, and being told that he must pay 500 rupees more, he complied, knowing doubtless that if he did not his luck might turn, and that he, like so many others, might be made to suffer." "Knowing this officer so well as I do, my faith in his honesty is not shaken by these payments. He would never have paid if he had not been asked, and, being asked, he dare not refuse. He knew it was expected of him. In the first instance, he was asked for 1,000 rupees by his master, the Commissioner, and I do not know a Mamlatdar who, under such circumstances, would have refused the request. In the second instance, he was asked for money by Hanmantrao, who doubtless gave him to understand that it would be the worse for him if he did not pay. So long as I am in charge of this division I shall be very glad to have Mr. Bapat serving under me in the discharge of executive and magisterial functions, and I should have every confidence in him." Mr. Robertson wrote :—"I found Mr. Bapat's work to be good. He is intelligent, willing, active, and zealous :" . . . "has a very creditable knowledge of his work" (as acting native assistant, in January 1886).	Deprived of magisterial powers by Government resolution No. 3,417 dated 8th May 1889.

STATEMENT of Decision as to Subordinate Officials whose Conduct has been subject of Inquiry owing to the Crawford Case—*continued.*

Name and Designation of Official as to whom Inquiry has been made.	Guaranteed, Yes or No.	OPINION OF COLLECTOR.	OPINION OF COMMISSIONER.	DECISION OF GOVERNMENT.
1.	2.	3.	4.	5.
(14.) Rao Saheb Janardan Eknath Sahasrabuddhe, Mamlatdar of Sangamner, Ahmednagar District.	Yes - -	Mr. Wadington writes:—"His work is fairly good," and that "he had no reason to doubt his integrity." The assistant collectors, Messrs. R. L. Moore and Deshmukh, reported favourably on him in 1886 and 1887, but Mr. Cooke in 1887 reported him to be "a poor magistrate and dilatory in his revenue work," and had not a high opinion of him. He was suspended by Mr. Grant, collector of Satara, for making a false statement when examined as a witness in the Sessions Court.	Mr. Moore writes:—"I consider that the fact of Janardan Eknath having told a falsehood should not be allowed to outweigh the previously recorded excellent character given to him by two assistant collectors, and the fairly good character recorded by the collector under whom he is at present serving. The only officer who writes somewhat unfavourably of him is Mr. Cooke, and his opinion is entitled to some weight. But assuming that he is not a very excellent mamladtar, there is nothing in the payment of money to Hanmantrao that would make me doubt his honesty. The falsehood is a blot on his past character, but there are various degrees of falsehoods, and his was of a very unimportant and harmless kind; he was punished for it by suspension for two months, and then he was reinstated in his former position." Mr. Robertson in 1885 recorded that he "was repeatedly reported as quarrelsome and insubordinate and was therefore passed over for promotion." Later he wrote that this Mamlatdar "was subsequently promoted and is doing well."	Deprived of magisterial powers by Government resolution No. 3,417 dated 8th May 1889.
(15.) Rao Saheb Balkrishna Govind Sindekar, Mamlatdar of Chandor, Nasik District.	Yes - -	The collector of Nasik, Mr. Grant, states that he has "heard nothing reflecting on Sindekar's general character for honesty and integrity, that his administration shows marks of ability, that he is coolheaded and sensible, and that he has no fault to find with him as a Magistrate." Mr. Frost, who was serving in Nasik, states, "that he saw very little of Sindekar, but that he knew nothing against him." In March 1888 the then collector of Nasik, Mr. Woodward, wrote to Mr. Crawford, and expressed a hope that Sindekar, "who stands at the head of the list of sub. *pro tem.* Mamlatdars and who has served in that capacity since 1886, will shortly be confirmed as a Mamlatdar"; and added:—"As regards his qualifications I can speak without hesitation, having observed his work since he came into the district in 1884."	Mr. Moore writes:—"This is another and gross case of extortion in which I do not blame Sindekar for paying." "He adds:—"Taking all the facts into consideration, I am of opinion that Sindekar ought not to be called corrupt. He was a victim to oppression and extortion, and I consider him to be as fit for the exercise of executive and magisterial powers as he was before the money was extorted from him."	When the question of his promotion or of investiture with higher magisterial powers arises the present proceedings to be borne in mind and referred to in any proposal concerning this officer which may hereafter be laid before Government.
(16.) Rao Saheb Ramchandra Govind Mangrulkar, Mamlatdar of Sholapur.	Yes - -	Mr. Candy writes:—"He (Mr. Mangrulkar) has no character for honesty and integrity, but he is I should say, very clever and astute. He has long been an agent for Mr. Crawford and having got what he wanted, *viz.*, a berth near his own home, he has recouped himself for his original outlay. I am informed he is distrusted, despised, and disliked. In executive matters I find him very able, but in the discharge of his magisterial functions I can place no confidence in him." Mr. Allen writes:—"Rao Saheb R. G. Mangrulkar was trying hard for a deputy collectorship, and as he himself believed he had a very fair chance of ultimately succeeding, it is not probable that he would have risked his good name. There were a good many questions cropped up in my time in the holapur town and taluka, affecting a number of persons, in the inquiry into which he showed a most praiseworthy zeal for the interests of Government, and almost an animus against those, sometimes influential, persons who were infringing Government rights. He was a man of good ability and considerable tact. I think I got one or two anonymous petitions against him, but I believed them to be false and have forgotten what they were about. I knew him better than any of the other mamlatdars, and I don't think he was guilty of corrupt practices."	The late commissioner, Mr. Robertson, has left the following remarks on record regarding Mr. Mangrulkar:—"Well spoken of by collector and Mr. Jopp, assistant collector, for his work in collecting arrears. Is an active and energetic officer." Mr. Moore writes:—"Nor do I blame him for paying under the circumstances; he could not have done otherwise. It was weak of him no doubt, but there was no dishonest intention. Mangrulkar has, I fear, got into the Kalavde clique at Sholapur and that does not redound to his credit."	Deprived of magisterial powers by Government resolution No. 3,417 dated 8th May 1889.

STATEMENT of Decision as to Subordinate Officials whose Conduct has been subject of Inquiry owing to the Crawford Case—*continued.*

Name and Designation of Official as to whom Inquiry has been made.	Guaranteed, Yes or No.	OPINION OF COLLECTOR.	OPINION OF COMMISSIONER.	DECISION OF GOVERNMENT.
1.	2.	3.	4.	5.
(17.) Rao Saheb Waman Daji Nagarkar, Mamlatdar of Madha, Sholapur District.	Yes - -	Mr. Candy writes:—"He has a character for honesty and integrity and fair ability. He is a first class magistrate. I place full confidence in him in the discharge of his executive and magisterial functions." Mr. Allen writes:—"Rao Saheb W. D. Nagarkar was a very promising mamlatdar, taking apparently much interest in his work. I don't think I ever heard anything against him. He gave me good assistance in getting evidence in the matter of a nose-cutting case in which the chief constable had allowed the offender to escape and had suppressed evidence with the help of the patil of the village. By his aid I had the accused arrested and the patil punished."	Mr. Moore writes:—"I see no reason for withdrawing confidence in Mr. Nagarkar, and I shall be very glad to see him continuing to discharge executive and magisterial functions in this division."	When the question of his promotion arises the present proceedings are to be borne in mind, and should be referred to in any proposal concerning this officer which may hereafter be laid before Government.
(18.) Rao Saheb Narhar Bapuji Damle, Mamlatdar of Malsiras, Sholapur District.	Yes - -	Mr. Candy writes:—"I consider he (Mr. Damle) has a fair character for honesty and integrity, but in ability he does not rank high. I place confidence in his work." Mr. Loch states that when Damle was serving under him in Khandesh as mamlatdar he had a good character for integrity and ability, and that his work was satisfactory, and he was a careful and sensible magistrate; but lately some irregularities in the management of local funds works have come to light which have somewhat altered his opinion.	Mr. Moore writes:—"This is an unsatisfactory case, in which an old gentleman whose service was drawing to a close tried to get, and succeeded in obtaining, promotion out of his turn in order to increase his pension. There was no extortion here, no actual compulsion, beyond the fact that he knew it could not be done without money; that the purchase system was in force. But Damle's motive was not good; and I cannot speak in his favour." Mr. Robertson wrote that Damle was not a very energetic official, but a quiet and tolerably able officer of the old school, and especially well up in accounts.	It is not made out that he paid anything for promotion or for retention at his station. His son-in-law appears to have paid 500 rupees in favour of Damle; but on the information before Government it is impossible to take even this as in any way substantiated. No present measures are called for with respect to Damle. His character appears to have been highly respectable. His term of service is drawing to a close, and unless further evidence comes to light there is no reason why he should not be allowed to complete it in the ordinary course.
(19.) Rao Saheb Daji Ballal Paranjpe, Mamlatdar of Jamkhed, Ahmednagar District.	Yes - -	Mr. Waddington writes—"He (Mr. Paranjpe) is a fairly good mamlatdar, but not a man of any conspicuous energy or ability." Mr. Elphinstone in 1881 reported him unfit to be confirmed, and Mr. Robertson sent him back to a head karkunship and kept him there.	Mr. Moore writes:—"This case is one of 'restoration of a degraded officer;' and it is somewhat like that of Dravid, inasmuch as it contains a grievance. Parangpe had been a mamlatdar, and was reduced to the position of a head karkun. Three assistant collectors under whom he had served had reported well of him; but the collector, Mr. Elphinston, thought otherwise, and the Commissioner adopted the collector's view. Paranjpe naturally thought that the collector was prejudiced. Smarting under this sense of injustice, and knowing that the purchase system was in force, he had recourse to that system. I dont blame this man. He had been a mamlatdar; he had been, according to his own lights, unjustly reduced; he wanted to regain his position, and he had been told that this could only be achieved in one way. What was he to do? There was no alternative, so he paid."	Deprived of magisterial powers by Government Resolution, No. 3417, dated 8th May 1889.
(20.) Rao Saheb Bhagvant Balvant Pradhan, Mamlatdar of Nagar.	Yes - -	Mr. Waddington states that this officer has served under him since October 1886 as mamlatdar of Nevasa and Nagar, that he is a man of much intelligence, and that he regarded him as one of his best men, and as exercising a considerable influence over the people in his charge.	Mr. Moore writes:—"He (Mr. Pradhan) stood second on the list of head karkuns. Here is the case of an honest man wishing to follow the path of rectitude being forced into corruption, as there was no way of escape. I do not blame Pradhan, and I think no worse of him for being the victim of circumstances; and I consider him to be perfectly fit to exercise executive and magisterial functions."	When the question of his promotion or investiture with higher magisterial powers arises the present proceedings should be borne in mind, and referred to in any proposal concerning this officer which may hereafter be laid before Government.
(21.) Rao Saheb Ramchandra Yashwant Chaubal, Mamlatdar of Pandharpur, Sholapur District.	Yes - -	Mr. Waddington states that this officer was under him as head karkun for some time, and subsequently as a mamlatdar for a short period only, that his work was good, and that he considered him an able man. Mr. Candy, collector of Sholapur, under whom he (Mr. Chaubal) is now serving, has not known him long; but he read through Mr. Chaubal's papers one day, and they gave him a character for honesty and ability; that quite apart from the Crawford transactions, he regards Mr. Chaubal as a good and intelligent mamlatdar. Mr. Candy adds:—"I still have confidence in him as a Revenue and Treasury officer."	Mr. Moore writes: "In this we have another case of 'forced payment' or 'extortion.' This official, Chaubal, was designedly and artfully drawn into the vortex of corruption by Hanmantrao. Chaubal as chitnis to the collector of Satara, had advised the collector to oppose Mr. Crawford's orders in the Bahadarwadi Deshmukh case. Hanmantrao in his confession says:—'This being attributed to Chaubal, *we determined to get him into our hands*, and I got him appointed mamlatdar and *then superseded him*, causing him to revert to an aval-karkunship. He then admitted the facts to me, and apologised for what he had done, attributing the fault to Vasudev. *Then money was accepted from him.*' I think none the worse of this man for paying under such circumstances."	When the question of his promotion or investiture with higher magisterial powers arises the present proceedings should be borne in mind, and referred to in any proposal concerning this officer which may hereafter be laid before Government.

STATEMENT of Decision as to Subordinate Officials whose Conduct has been subject of Inquiry owing to the Crawford Case—*continued*.

Name and Designation of Official as to whom Inquiry has been made.	Guaranteed, Yes or No.	OPINION OF COLLECTOR.	OPINION OF COMMISSIONER.	DECISION OF GOVERNMENT.
1.	2.	3.	4.	5.
(22.) Ráo Sáheb Ganesh Pandurang Thakár, B.A., Mámlatdár of Valva, Sátára District.	Yes - -	Mr. Waddington says that Mr. Thakár served under him as district deputy collector, Huzzur deputy collector and Forest Settlement officer, between August 1885 and October 1887, and that he regarded him as a man of good education, as a hard-working officer, and efficient in every way. Mr. Keyser knows little of Mr. Thakár personally; but he states that he had a high character for integrity and ability, and that he has not seen or heard anything since he has been at Sátára, or in examining the office of the Valva Taluka, where he was mámlatdár, which would incline him to think that his character has been overestimated. Mr. Keyser adds that he would readily employ him (Mr. Thakár) in any executive or magisterial office if he had to select a capable man. One of the best mámlatdárs in the service.	Mr. Moore writes:—"This is undoubtedly the most satisfactory of the six cases with which we are at present concerned." The Advocate General in his reply says:—"It stands on a different footing from the others. It may be called a specimen of the forced loan order." Mr. Moore adds that "he (Mr. Thakár) bore a very high character for integrity and ability, and had been strongly recommended by several officers including the late Commissioner, Mr. Robertson, who calls him 'an exceedingly able and energetic officer,' and by Mr. Crawford himself. I consider him to be a man of integrity great ability, and most fitted in every way to exercise executive and magisterial functions."	No orders deemed necessary.
(23.) Azam Balvant Náráyan Dabir, Head Kárkun at Chobda, Khándesh District.	Yes - -	Mr. Loch states that he had no reason to doubt the honesty or integrity of this officer (Mr. Dabir), but that he had not formed a very high opinion of his abilities; that he thought him slow, and wanting in energy and activity, and that he doubts very much whether he will ever make a good executive officer.	Mr. Moore writes: "This is one of the least satisfactory cases with which we have to deal, inasmuch as Dabir paid money to secure promotion over the heads of his fellows; and he has thus, to my mind, rendered himself unfit for executive and magistrial functions; but, as I have stated elsewhere, some allowance must be made for him in consequence of the existence of the purchase system. But for that the idea of paying to obtain promotion might not have occurred to him."	Deprived of magisterial powers by Government Resolution, No. 3417, dated 8th May 1889.
(24.) Azam Ramao Hanmant Rajguru, Deputy Chitnis to the Collector of Satara.	Yes - -	Mr. Keyser describes this official as "a good office man, a quick worker;" states that he "has passed the higher standard;" and adds that although he does not know anything definite against him, he (Mr. Rajguru does not bear a good character, that he is suspected of being corrupt, and that he does not trust him. Mr. Grant says that the deputy chitnis (Rajguru) was very frequently absent on deputation as acting mamlatdar or aval-karkun, so he saw little of his work as deputy chitnis, but that as acting mamlatdar he gave satisfaction, nor had he any reason to suspect him of being corrupt, and that the rumours Mr. Keyser speaks of never reached him (*Mr. Grant*). (Does not exercise magisterial powers.)	Mr. Moore writes:- "I have personally known Rajguru for years. I took him by the hand and appointed him to the Government service, and he justified my selection by giving entire satisfaction to the officers under whom he served, and in getting fair promotion, which he would not have obtained had he not borne a good character. Mr. Grant only left the Satara District a year ago, and up to that time there was, apparently, not a whisper against Rajguru. I had every confidence in his honesty and ability, and until I receive clear proof to the contrary, I shall still hold the same opinion of him. He comes of a very good family. Mr. Keyser's unfavourable character of Rajguru for honesty would have made me hesitate about placing confidence in Rajguru as regards the future, but as Mr. Grant's late experience of Rajguru bears out the opinion I hold of him, I am inclined to think that Mr. Keyser may be wrong, and until I receive clear proof of Rajguru's corruption I should not object to his continuing to discharge executive and magisterial functions in this (central) division."	Should be transferred to another district, and held unfit for magisterial functions or for promotion to a mamlat, until by a long course of good service he may have earned a title to the removal of the bar.
(25.) Ráo Sáheb Moro Raghunath Bivalkar, Mámlatdár of Koregaon, Satara District.	Yes - -	Mr. Keyser states that Bivalkar is an officer of more than average ability; that he carried out the negotiations for the acquisition of land for the West Deccan Railway most satisfactorily, that he bears a good character for honesty, that there is no officer in the district in whom he (Mr. Keyser) places greater confidence, and that he is an excellent magistrate. Mr. Grant expresses an entirely different opinion concerning Bivalkar and the manner in which he conducted the land acquisition transactions, which he thinks are open to grave suspicion. He believed also that Bivalkar favoured his own class (the Inamdars), and did not keep faith with his own tenants. In fact he entertained a very low opinion of Bivalkar.	Mr. Robertson has recorded regarding Bivalkar that he is "active and intelligent, knows English, is energetic and clever, and a strict officer." Mr. Moore writes:—"Unfortunately Bivalkar has never served with me, so I cannot say whether Mr. Keyser or Mr. Grant has formed the correct estimate of his character. But as Mr. Keyser is the collector of Satara now, with Bivalkar serving under him, and as Mr. Grant is writing from recollection 18 months old, I am inclined to agree with Mr. Keyser's estimate, more especially as it is in consonance with the remarks recorded about Bivalkar by Mr. Robertson. I do not blame Bivalkar for paying, and I have no objection to his remaining in the central division, and continuing to discharge executive and magisterial functions."	His magisterial powers should be withdrawn, *he* should be transferred to another district, should receive no grade promotion until he resumes the position which he held relatively to the officers superseded by him prior to their supersession by him.

STATEMENT of Decision as to Subordinate Officials whose Conduct has been subject of Inquiry owing to the Crawford Case—*continued.*

Name and Designation of Official as to whom Inquiry has been made.	Guaranteed, Yes or No.	OPINION OF COLLECTOR.	OPINION OF COMMISSIONER.	DECISION OF GOVERNMENT.
1.	2.	3.	4.	5.
(26.) Ráo Sáheb Devrao Kaehesvar Chincholikar, Mámlatdár of Shirpur, Khandesh District.	Yes - -	Mr. Loch states that Devrao has always borne a good character for honesty; that he is a man of fair ability, but that he is wanting in firmness, that he understands his ordinary work well; that he is generally popular, and that his magisterial work has been on the whole satisfactory.	Mr. Robertson has recorded the following opinion regarding Mr. Devrao:—"A good mamlatdar of the old school; knows his work well and does it well." Mr. Moore writes:—"Devrao served under me as a 30 rupees karkun in the Vernacular Department when I was collector of Khandesh, and he bore a good character for industry and ability, and I promoted him to a place of 40 rupees, and as he had since risen to be a mamlatdar, he must have maintained that character. I cannot regard him as less honest now because he fell a victim to extortion, and then came forward to assist Government by stating his painful case. I consider him to be as fit as he ever was for the discharge of executive and magisterial functions."	When the question of his promotion or investiture with higher magisterial powers arises, the present proceedings should be borne in mind and referred to in any proposal concerning him which may hereafter be laid before Government.
(27.) Ráo Sáheb Lakshman Chintaman Phadke, Mámlatdár of Jamner, Khandesh District.	Yes - -	Mr. Loch states that he does not know Phadke to be a dishonest man, but that he does not strike him as a man of ability, and that he seems weak and wanting in the power of managing an office.	Mr. Robertson recorded his opinion that Phadke was a fairly good officer, but had bad health. Mr. Moore states that his opinion regarding Phadke coincides with that of Mr. Loch, but that he has done nothing worthy of reduction, and observes:—"Phadke is another instance of a victim to extortion. He was tormented by being superseded five times, and then he suffered loss of pay. He paid, and he was restored to his former position as probationary mamlatdar. I cannot find fault with this man for paying, he was bound to do it, and there was no alternative, and he only got in 1887 what he ought to have got without paying a farthing in 1886. Had there been no purchase system the man would have never dreamt of paying. I think none the worse of him for it, and I consider him fit to continue as a mamlatdar and magistrate."	When the question of his promotion or investiture with higher magisterial powers arises, the present proceedings should be borne in mind and referred to in any proposal concerning him which may be laid before Government.
(28.) Ráo Sáheb Wasudev Ramchandra Patwardhan, Mámlatdár of Bhusaval, Khandesh District.	Yes - -	Mr. Loch states that Patwardhan has a very good character both for integrity and ability, that his work is well and carefully done, that he is very ready to carry out orders, and that he is a careful and a good magistrate.	Mr. Robertson has described Patwardhan as an able officer. Mr. Moore writes: "Patwardhan served under me as head karkun of Sirur when I was collector of Poona, and I recommended him on account of his good character and ability for a mamlat. This is the case of a weak rather than of a corrupt man. I know him to be a very excellent officer; he has always borne a good character for integrity and ability, and this little sign of weakness ought not to counterbalance these facts. I should be very glad to retain him as a mamlatdar and magistrate anywhere in my division."	When the question of his promotion arises, the present proceedings should be borne in mind and referred to in any proposal concerning him which may hereafter be laid before Government.
(29.) Ráo Sáheb Mahadev Balkrishna Khasnavis or Jatkar, Mámlatdár of Khed, Poona District.	Yes - -	Mr. East knows nothing personally regarding Mr. Jatkar. Jatkar is at present under suspension, and a departmental inquiry is being conducted into his case. Mr. Davidson states that he believed Jatkar when serving under him in Nasik to be "thoroughly corrupt."	Mr. Moore writes:—"I knew him very well when I was collector of Satara; he was very able and energetic, and I thought honest, and I promoted him from one small appointment to another, and when I left Satara in 1878 he was mahalkari of Khandala Bhowda in that district. Since then I have not seen his work, but I have always heard him spoken well of, till shortly after I had taken over charge of this division from Mr. Crawford in July 1888, when I received very bad accounts about him from the acting collector of Nasik. Mr. Davidson, at whose request I transferred Jatkar from Niphad in the Nasik District to Khed in the Poona District, in order to remove him from the scene of inquiries into the petitions against him of malversation and corruption. Mr. Davidson has recorded his opinion that there was *primâ facie* evidence in the case of two of the charges for criminal proceedings. This, I am sorry to say, is a bad case. Jatkar wanted to be made a deputy collector, so he petitioned and then went straight to Hanmantrao, who took Jatkar to Mr. Crawford, who told him to do what Hanmantrao told him. After the interview Hanmantrao said he must pay 2,500 rupees, and to this he agreed, and he subsequently paid it by instalments. In this case there was no extortion, no threats were used directly or indirectly. Jatkar went straight to Hanmantrao and asked him to use his influence with Mr. Crawford to obtain promotion out of his turn; he was asked for money, he paid it, and he gained his object." "I very much doubt whether he would have paid if the purchase system had not been prevalent; he would not have dared to do so. But hearing of its existence, he voluntarily made use of it not to obtain redress, but in order to obtain undue promotion. This, together with a perusal of the papers connected with the departmental inquiries which have been held, has shaken my faith and that of the collector of Nasik and his assistants, and that of the collector of Poona, in which district he is now serving, in his character for honesty, and I am not prepared to say that I consider him fit to discharge executive and magisterial functions." Mr. Robertson has left on record the following remarks about Jatkar:—"An energetic and able officer, and anxious to do his work well."	Deprived of magisterial powers by Government Resolution No. 3417, dated 8th May 1889.

STATEMENT of Decision as to Subordinate Officials whose conduct has been subject of Inquiry owing to the Crawford Case—*continued.*

Name and Designation of Official as to whom Inquiry has been made.	Guaranteed, Yes or No.	OPINION OF COLLECTOR.	OPINION OF COMMISSIONER.	DECISION OF GOVERNMENT.
1.	2.	3.	4.	5.
(30.) Ráo Sáheb Sakárám Chimnáji Joshi, Mámlatdár of Pandharpur, Sholápur District.	Yes - -	Mr. East states that he has known Joshi for some years in various grades of the service, that he has always had confidence in him, and that he feels convinced he only paid under great stress and after holding out for some time. Mr. East adds: —"*I regard him with undiminished confidence.*" Mr. Vidal states that he saw a good deal of Joshi, and that he formed a high opinion of his ability, that he neither saw nor heard anything against his character for honesty, and that Joshi could be trusted to discharge executive and magisterial functions with integrity.	Mr Robertson has left on record that "Mr. Joshi works well," and that the "collector of Poona hopes to be able to recommend him for promotion shortly." Mr. Moore writes:—"I can fully endorse the high character which Mr. East gives Mr. Joshi as the latter served under me when I was collector of Poona. Latterly he was mámlatdár of Mával and he performed his duties ably and conscientiously. I had full confidence in him. Mr. East says, '*I regard him with undiminished confidence*,' and I add '*so do I*.' He is an excellent magistrate, exercising first class powers, and if I wanted a good, all round officer, I should select Mr. Joshi as one of that kind. He may be thoroughly trusted in the discharge of executive and magisterial functions."	Deprived of magisterial powers by Government resolution No. 3,417, dated 8th May 1889.
(31.) Ráo Sáheb Lakshman Moreshwar Deshpánde, B.A., Mámlatdár of Poona.	Yes - -	Mr. East knows little or nothing of this official, but Mr. Plunkett, the city magistrate, who is Deshpandesh's immediate superior, states that he performs his work with intelligence, that he considers him to be honest, and that as a magistrate he appears to work well and to have the confidence of the people. Mr. Vidal states that he saw a good deal of Deshpánde, and that he appeared to be doing his work satisfactorily. He considers that Deshpánde could be trusted to discharge executive and magisterial functions with integrity.	Mr. Moore writes:—"Deshpande served under me when I was collector of Poona. Being a graduate, he was first appointed by Mr. Robertson as a second karkun and I made him a head karkun. I know that at that time I had a very high opinion of him, both intellectually and morally. I cannot regard Deshpánde as corrupt in consequence of having yielded, after a tremendous and lengthy struggle, to extortion and coercion. My confidence in Deshpande is undiminished, and I am very glad to have him serving under me and continuing to discharge executive and magisterial functions." Mr. Robertson has left on record the following note:—'Mr. Woodward, July 1885, reports him as efficient and intelligent. Is a clever, promising young man."	No orders deemed necessary.
(32.) Ráo Sáheb Yeshwant Ballál Támbe, Mámlatdár of Kopargaon, Ahmednagar District.	Yes - -	Mr. Waddington states that Támbe has been serving continuously in his district during the last five years as a mámlatdár, that he always regarded him as efficient in every way, and that prior to the disclosures in the Crawford case he had not the least ground for doubting his honesty and integrity.	Mr. Robertson has left on record that "Tambe is an able and promising young officer." Mr. Moore writes:—"I do not regard Támbe as corrupt, and seeing what an excellent character he bore before he paid the money, and the fact that his collector considers him no worse than other native officials holding similar posts who happen not to have been mixed up with the Crawford case, and that he should be continued in the public service, I see no objection to his continuing to exercise executive and magisterial functions."	When the question of his promotion arises, the present proceedings should be borne in mind and referred to in any proposal concerning him which may be laid before Government.
(33.) Ráo Sáheb Hari Sakhárám Násikkar, Mámlatdár of Jalgaon in the Khándesh District.	Yes - -	Mr. Loch states that he is a man of considerable energy and ability, but that he has not implicit confidence in him, as he has failed to make, in some instances, sufficient inquiries into complaints against pátils and has discouraged petitions under the Mámlatdárs Act III. of 1876 (Bombay), but that he is a fairly good magistrate.	Mr. Moore writes:—"Mr. Násikkar served under me in the Local Fund Department when I was collector of Khándesh, and he bore a very good character in every way then, and he must have maintained that character to have obtained his mamlat. The late Commissioner, Central Division, Mr. Robertson, has recorded that 'he is clever and knows his work; he does not take enough interest in his work: he should show that he is more than superficial.' I consider Hari Sakhárám to have been a victim to the purchase system, and he, in my opinion, deserves credit for holding out as long as he did. It is a grievous thing for an official to see himself superseded seven times. Had a note been recorded by Mr. Crawford, in the Confidential Register, that Hari Sakhárám was inefficient and so unworthy of promotion, or if Mr. Crawford had told Hari Sakhárám so, it would have been different: but there is nothing on record to show that Mr. Crawford considered Hari Sakhárám unfit. I see no objection to this officer continuing to discharge executive and magisterial functions."	To be transferred to another district and his magisterial powers to be withdrawn.

STATEMENT of Decision as to Subordinate Officials whose Conduct has been subject of Inquiry owing to the Crawford Case—*continued.*

Name and Designation of Official as to whom Inquiry has been made. 1.	Guaranteed, Yes or No. 2.	OPINION OF COLLECTOR. 3.	OPINION OF COMMISSIONER. 4.	DECISION OF GOVERNMENT. 5.
(34.) Ráo Sáheb Vishnu Bápuji Soman, Mamlatdár of Táluka Páchora in the Khándesh District.	Yes	Nil	Nil	Mr. Soman has retired on pension.
(35.) Mr. Rámchandra Krishna Vinze, Chitnis.	Yes	None (He holds no magisterial powers.)	None	Transferred, and not to be granted promotion until by long course of good service he may have earned a title to the removal of the bar.
(36.) Rao Saheb Vithal Tikáji, Mamlatdar.	No	None	None in Revenue Department	Removed from post of Karbhari of the Akalkot State, and reduced a grade in the list of mamlatdars. Deprived of magisterial powers by Government Resolution, No. 3417, dated 8th May 1889.
(37.) Ráo Bahádur Vinayekrao Rangnath Purandhare, District Deputy Collector, Dhárwar.	No	None	None in Revenue Department	Dismissed from Government employ, with effect from 15th October 1888, by Government Resolution, No. 3813, dated 25th May 1889.
(38.) Mr. Narayan Shrinivas, Treasurer, Belgaum.	No	Very unfavourable	Unfavourable	Dismissed from Government employ by Government Resolution, No. 2082, dated 18th March 1889.
(39.) Rao Saheb Narhar Daji Kalavde, Mamlatdar of Haveli, Táluka Poona.	No	Under suspension. Departmental inquiry into his conduct in progress under the orders of Government.	—	—
(40.) Rao Saheb Bindu Gopal, Mamlatdar, Sángola Táluka, Sholápur.	No	Very unfavourable	Dismissed from the Government service by the Commissioner on a departmental inquiry held under the orders of Government.	—
(41.) Rao Saheb Mahadev Keshav Kumthekar, Mamlatdar (services at present lent to the Poona Municipality).	Yes	Case under report.	—	—
(42.) Rao Saheb Kashinath Vinayek Bhave, Mamlatdar of Shrigonda Taluka, Ahmednagar.	Yes	Case under report.	—	—

NO ORDERS.

— No. 18. —

COPY TELEGRAM from Governor, Bombay, to the Secretary of State, dated 19th June 1889.

Orders issued and reported 4th June have caused painful impression in influential circles, European and Native, as infringement of formal pledge.

— No. 19. —

From Secretary of State to Governor, Bombay, 1st July 1889.

Mamlatdars. Telegram in "Times" to-day refers to a recent decision of High Court that corrupt magistrates are disabled from retaining their offices under 47 George III., c. 126, extending 5 & 6 Edward VI. Has there been such decision, and what observations have you to make?

— No. 20. —

From Governor, Bombay, to Secretary of State, 3rd July 1889.

Your Lordship's telegram of the 1st. There has been no such decision. Judgment is in the newspapers which left by steamer of the 24th June. One of the two Judges who refused to interfere with the magistrates' dismissal of a private complaint against inculpated mamlatdars expressed individual opinion regarding applicability of the statute, but this leaves situation unchanged, and does not call for fresh action.

— No. 21. —

From Secretary of State to Governor, Bombay, 7th August 1889.

(Repeated to Viceroy.)

On further consideration, I am of opinion that case of mamlatdars must be governed by spirit of Statute of George III., and, consequently, that the orders passed by you must be revised. Mamlatdars and other officers proved to have paid money to obtain their offices, or promotion, or other official favours, must be dismissed altogether from Government service, unless their cases fall within the second of the two classes into which incriminated officials are divided by paragraph 2 of your Revenue Despatch of 3rd May 1889. They must be compensated in money for failure of Government to fulfil a pledge which has been found to be out of the power of the Government to perform. In doubtful cases, Sindekar included, and also as to compensation, consult Viceroy before deciding.

— No. 22. —

From Governor, Bombay, to Secretary of State, 8th August 1889.

The question of an Act of indemnity exonerating inculpated mamlatdars appears not to have been considered. Would Secretary of State for India assent to an Act relieving guaranteed persons from penalties and incapacities arising from acts admitted under guarantee. Governor General is prepared to pass

pass an Act of indemnity. should the Secretary of State for India approve it in the terms proposed by us. This appears only remaining means of maintaining our pledges.

— No. 23. —

From Secretary of State to Governor, Bombay, 17th August 1889.

(Repeated to Viceroy.)

I am not clear whether your telegram of 8th August was sent after receipt of my telegram of 7th or not. Question of indemnity was considered before telegram was despatched. I cannot sanction any Act authorising retention in Government service of persons liable to dismissal under terms of my telegram of 7th August, but am prepared to approve Indian Act protecting from criminal prosecution of private suit.

— No. 24. —

EXTRACT from Telegram from Viceroy, to Secretary of State, 19th August 1889.

It seems to me the best course that we should pass an Act of indemnity absolute as regards suits and prosecutions for all persons implicated in the Crawford case, and permissive as regards all persons within the second class described in the Bombay Despatch of the 3rd May. Indemnities might be extended to these by Order in Council of the Government of India in cases clearly deserving lenient treatment. Bill should also validate proceedings of incriminated officials so far as these proceedings might be affected by the Act of George III. I have not yet brought this proposal before my Council, but shall do so on Wednesday. Time presses, as legislation should take place during Simla session.

— No. 25. —

EXTRACT Telegram from Secretary of State to Viceroy, 20th August 1889.

Bill should indemnify all officials who, in connection with Crawford case, stated under guarantee that they made corrupt payments, against prosecutions or suits in respect of such payments. Validation of official acts unnecessary, as already provided for by Statute George III., Section 1. No Bill should be introduced until incriminated officers have been removed in conformity with my telegram of 7th August.

— No. 26. —

From Viceroy to Secretary of State, 21st August 1889.

Bombay. Mamlatdars. After a discussion in Council, following telegram has been sent to Governor of Bombay :— *Begins.* Secretary of State requires, as condition precedent to Indemnity Bill, dismissal in all cases not (within) Clause 2 of your Despatch, 3rd May. Please let us have by telegraph names of those witnesses who must clearly be dismissed under this rule. We shall then, after directing dismissal of these, proceed with a Bill of Indemnity which will empower Government of India to relieve all persons involved by disclosures in Crawford's case from liability to suits and prosecution, and which will also relieve from disabilities incurred any persons whom Governor General in Council may consider deserving of such relief. *Ends.*

— No. 27. —

From Secretary of State to Viceroy, 23rd August 1889.

Your telegram, 21st instant. I quite approve generally, but Act must be restricted to indemnifying against prosecutions and suits, and must not extend to the exemption of any person whatsoever from any statutory incapacity to hold office.

— No. 28. —

From Viceroy to Secretary of State, 28th August 1889.

Your telegram, 23rd August. We understand that we are still to adhere to policy of your telegram of 7th August, and to classify officials in accordance with principle of Despatch of 3rd May, restricting second class to those cases in which payment was virtually extorted. We can deal with these by Government Resolution, declaring that they had not offended against Act, and will therefore not be disturbed.

— No. 29. —

From Secretary of State to Viceroy, 28th August 1889.

Your telegram of 28th. Your interpretation of my telegrams of the 7th and 23rd is correct.

— No. 30. —

From Viceroy to Secretary of State, dated 17th September 1889.

On reconsideration we think the Bill should contain a clause enabling the Governor General to relieve incriminated officials by resolution from statutory disability. Relief by resolution would be extended only to officials coming clearly within second class. Resolution without statutory sanction would not prevail against express form of Act, and question might be raised hereafter, unless this point was effectually disposed of Import of proposed clause would be clearly explained on introduction of Bill.

Please reply by telegraph immediately. We propose to introduce the Bill on Thursday. Dismissal of the first batch of Mamlatdars will be gazetted on Thursday morning.

— No. 31. —

EXTRACT from Telegram from Secretary of State to Viceroy, dated 17 September 1889.

Your telegram of to-day. Objection to course proposed is that it gives a dispensing power to Viceroy.

— No. 32. —

LETTER dated Simla, the 28th October 1889, from the Governor General of India to Her Majesty's Secretary of State for India.

My Lord,

IN conformity with the provisions of Section XXI. of the Indian Councils Act, I have the honour to forward to your Lordship an authentic copy of the law noted in the margin, which has been passed by the Council of the Governor General of India for making laws and regulations, and to which I have signified my assent.

Act No. XIV. of 1889, to indemnify certain witnesses.

2. In accordance with the instructions contained in your predecessor's Despatch, No. 61, dated 21st December 1869, a copy of the papers noted in the margin, relating to the Act, accompanies.

Statement of Objects and Reasons, dated 19th September 1889.

Extracts from Abstracts of Proceedings, dated 19th September and 3rd and 17th October 1889.

I have, &c..
(signed) *Lansdowne.*

Enclosure No. 1, in No. 32.

ACT No. XIV. of 1889.

[As Passed in Council.]

A BILL to indemnify certain Witnesses.

WHEREAS by an order, dated the sixteenth day of October 1888, a Commission was appointed by the Governor of Bombay in Council under Act XXXVII. of 1850 (for regulating Inquiries into the behaviour of Public Servants) for the purpose of inquiring into certain imputations of misbehaviour by a public servant:

And whereas in the course of the proceedings before the said Commission, and of certain inquiries preliminary to, or connected with, the said proceedings, and undertaken by direction of the said Governor in Council, and in the investigation and trial of certain criminal charges against one Hunmuntrao Raghavendra, statements were made and evidence given by public servants and other persons, by reason of which statements or evidence the said public servants and other persons became, or might become, liable to suits, prosecutions, or penalties under the Statute 49 Geo. III., chapter 126, or the Indian Penal Code, or otherwise: XLV. of 1860.

And whereas it is expedient to free the said public servants and other persons from all liability to civil or criminal proceedings in respect of any cause of action or charge arising out of any admission of an offence in any statements made or evidence given as aforesaid:

It is hereby enacted as follows:—

1. No suit, prosecution, or other proceeding shall be commenced or continued against any person in respect of any cause of action or charge arising out of any offence admitted by him in any statement made or evidence given before the said Commission, or in any inquiry undertaken by direction of the said Governor in Council preliminary to, or in connection with, the proceedings of the said Commission, or in the course of the said investigation and trial. Indemnity to witnesses.

This Bill was passed at a meeting of the Council of the Governor General of India for the purpose of making laws and regulations on the 17th day of October 1889.

STATEMENT of OBJECTS and REASONS.

THE object of this Bill is to protect certain persons from proceedings which might be taken against them in consequence of admissions made by them in the course of the investigation before the Commission which sat at Poona in October, November, December, and January last under Act XXXVII. of 1850, or in the course of the connected inquiries which were undertaken by direction of the Governor of Bombay in Council, with respect to imputations of misbehaviour made against Mr. Arthur Crawford, of the Bombay Civil Service.

19 September 1889. *Andrew R. Scoble.*

Enclosure No. 2, in No. 32.

EXTRACTS from the Abstracts of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament, 24 & 25 Vict. c. 67.

The Council met at Viceregal Lodge, Simla, on Thursday, the 19th September 1889.

BILL TO INDEMNIFY CERTAIN WITNESSES.

The Honourable Mr. Scoble moved for leave to introduce a Bill to indemnify certain witnesses. He said :

"By order dated the 16th of October 1888 a Commission was appointed, under Act XXXVII. of 1850, to inquire into certain charges of the corrupt receipt of money and of improperly borrowing money, made against Mr. Arthur Travers Crawford, of the Bombay Civil Service, and Commissioner of the Central Division of that Presidency. That Commission was appointed by the Governor in Council of Bombay, without whose sanction Mr. Crawford was not removable from his office, and who was of opinion that, in the words of the Act, there were good grounds for making a formal and public inquiry into the truth of the imputations of misbehaviour against him.

"In reporting its proceedings to the Secretary of State, the Bombay Government writes :

'The information concerning Mr. Crawford's alleged malpractices was in the first instance furnished to Government by certain Native gentlemen and officials of high position, who did not admit that they had themselves paid bribes, and who are not suspected of having done so. They mentioned the names of the persons, who, as they believed, had given money, and supplied particulars of some of the transactions. To push the inquiry a stage further, and to procure more positive personal and detailed information, it became then necessary to obtain the statements of the men alleged to have themselves paid money; and to effect this it was requisite to give a definite assurance to the officials concerned that their admissions should not be used to their own ruin, and that they would not be prosecuted or punished by Government if they fully, freely, and truthfully disclosed what they knew and what they had done. It was obviously of no avail to believe or hope that Native officials who, as Government had good ground to suppose, had paid bribes would voluntarily come forward and without any promise of immunity would make confessions which might insure their immediate degradation, dismissal, or prosecution in the Criminal Courts, the more especially when, in order to render their own safety absolutely secure, they had only to resolutely deny all cognizance of any payments. The Government was therefore placed in the predicament that it must either give the suspected offenders a promise that, if they spoke the truth, they would be granted immunity from evil consequences, and obtain on this condition such evidence as they could or would give; or refuse to furnish any such guarantee and find itself left powerless and unable to take any action in the presence of what it believed to be a system of widespread and pernicious corruption, and of great and criminal abuse of power. With these alternatives before us, we felt no hesitation in deciding that in the circumstances the preferable, indeed the essentially necessary, course to adopt was to authorise the offer of indemnity to witnesses.'

"The

"The indemnity which, under the stress of these considerations, was actually offered, by the Inspector General of Police on behalf of the Government, ran in these terms:

'Mr. Ommaney is empowered to promise immunity from prosecution to any person giving evidence, and, in cases of payments for promotion, or to obtain or avoid transfers, may guarantee immunity from official or departmental punishment or loss, subject to the stipulation that the evidence given is the truth, the whole truth, and nothing but the truth.'

"The indemnity was therefore two-fold. It was a promise, not only of exoneration from criminal liability, but also of complete freedom from dismissal from office or degradation such as would ordinarily follow admitted corruption. Such an indemnity, it is clear, could only be made good by legislation in this Council or by Parliament. It was beyond the powers of the Bombay Government. The extent to which it should be recognised has been a matter of long and anxious consideration, both by the Government of India and the Secretary of State. The conclusion arrived at is that, while the first part of the indemnity may be confirmed by enactment, the second part must be dealt with administratively. My honourable friend, Mr. Hutchins, will presently explain the manner in which this is to be done; it is my task to submit to you the grounds and the scope of the proposed legislation.

"Both in England and in India, the corruption of public functionaries is an offence. An old Statute (5 & 6 Edward VI., c. 16) is directed 'against buying and selling of offices', among the offices particularly indicated being those which 'in anywise touch or concern the administration or execution of justice, or the receipt, controlment, or payment of any of the King's Highness treasure' or revenue. This Act, and all the provisions therein contained, were extended by 49 Geo. III., c. 126, to 'all offices, commissions, places, and employments belonging to, or under the appointment or control of, the United Company of Merchants of England trading to the East Indies.' By the Act for the better government of India, 21 & 22 Vict. c. 106, s. 64, it is provided that all enactments applicable to the officers and servants of the East India Company in India are to remain applicable to the officers and servants appointed or employed in India after the transfer of the Government of India to the Crown. There can, therefore, I think, be little room for doubt that the earlier Acts to which I have just referred apply to all persons holding public appointments under the Government in India at the present day of the character which these Acts were intended to reach. By these Acts it is provided that 'if any person shall purchase, or bargain for the purchase of, or give or pay any money, fee, gratuity, loan of money, reward, or profit, or make or enter into any promise, agreement, covenant, contract, bond, or assurance to give or pay any money, fee, gratuity, loan of money, reward, or profit, or shall by any way, means, or device, contract or agree to give or pay any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, for any office, commission, place, or employment specified or described in the said Acts, or within the true intent and meaning of the said Acts . . . or for any appointment or nomination thereto, or resignation thereof, or for the consent . . . or voice . . . of any person . . . to any such appointment, nomination, or resignation,' he shall be guilty of a misdemeanour, and be 'adjudged a disabled person in the law, to all intents and purposes, to have, occupy, or enjoy', the office which he had obtained, or sought to obtain, by such corrupt means. The Penal Code also, as I need scarcely remind the Council, contains provisions whereby the acceptance or obtaining of any gratification by a public servant 'as a motive or reward for inducing by corrupt or illegal means any public servant to do, or to forbear to do, any official act, or in the exercise of his official functions to show favour or disfavour to any person,' and the abetment of any such offence by a public servant, are made punishable by fine and imprisonment.

"This being the state of the law, the Bill which I ask leave to introduce provides that no suit, prosecution, or other proceeding shall be commenced or continued against any person in respect of any cause of action or charge arising out of any admission of an offence in any statement made or evidence given before the Crawford Commission, or in any inquiry undertaken by direction of the Governor of Bombay in Council in connection with the proceedings of the said Commission. We thus give legal force to the first part of the indemnity. I trust the Council will agree with me in thinking that, in any legislation which we may sanction in this respect, we should endeavour to give the fullest

possible effect to the undertaking into which the Bombay Government has entered with regard to these witnesses. I do not go the length of saying its *ipsissima verba* must be observed; but, broadly, I think we ought to do all that we reasonably can to keep faith with all those who, on the strength of this indemnity, made admissions which have brought them within the grip of the law.

"It has been questioned in some quarters whether this Council has power to pass such a Bill, and whether there is any precedent for such legislation. I think these objections have no real foundation. In the first place, under Section 22 of the Indian Councils Act, this Council has power to repeal, amend, or alter any laws or regulations (including all but certain reserved Acts of Parliament) which were in force in India in 1861; and it has, therefore, full authority to repeal entirely, and *à fortiori*, to modify the operation of, the Acts to which I have referred and which are not among those reserved. With regard to the second point, the power to make laws for all persons, and for all Courts of Justice, and for all places and things within Her Majesty's Indian territories, given by the same section of the Indian Councils Act, includes the power to pass an Act of Indemnity, which is merely a formal and convenient method of exercising the prerogative of pardon. But, if positive precedent be needed, it may be found in the Acts of Parliament relating to corrupt practices at Parliamentary and municipal elections, or, to take the latest instance, in the Act passed last year with reference to what is popularly known as the Parnell Commission. It is true that the course which English legislation has usually taken of late has been to offer indemnity before the commencement of the proceedings to witnesses who shall make 'a full and true disclosure touching all the matters in respect of which they are examined,' and to make the indemnity depend on the certificate of the Commissioners that the condition has been fulfilled; and it may be regretted that this course was not adopted in the present case. But that which may be lawfully done beforehand is not rendered unlawful by being done afterwards. The validity of the indemnity is not impaired by its being granted *ex post facto*; and it is competent for the Legislature to exercise, instead of delegating, its authority, and to dispense with conditions when the means of fulfilling them are no longer available. The Commission being dissolved, its certificate cannot now be procured, and this Council must take its place. Under these circumstances, I have no hesitation in asking the Council, instead of directing a new inquiry, to extend the benefit of the indemnity to all the witnesses who gave their testimony on the faith of its protection.

"It has not been deemed necessary to provide in the Bill for the validation of the official acts of the disqualified officials. A clause in the Statute of Edward VI. enacts that 'all judgments given and all other act or acts executed or done by any person or persons so offending by authority or colour of the office or deputation which ought to be forfeited or not occupied or not enjoyed by the person so offending, after the said offence by such person so committed or done, and before such person so offending for the same offence should be removed from the exercise, administration, and occupation of the said office or deputation, should be and remain good and sufficient in law to all intents, constructions, and purposes, in such like manner and form as the same would or ought to have remained and been if this Act had never been had or made'; in other words, that the disability of the officer by reason of his having obtained his office by corrupt means shall not, in itself, be sufficient reason for setting aside any of his judicial or other proceedings which are unassailable on other grounds."

The Honourable Mr. Hutchins said:—

"I think I should take this opportunity of explaining the part taken by the Home Department of the Government of India in this most unfortunate matter of the Bombay Mamlatdars, who, under the influence of a guarantee against loss, have made statements to the effect that they paid money to Mr. Crawford, or to others whom they had reason to regard as his agents. And perhaps I should first explain why the Government of India did not at once take the matter into its own hands. It is one which deeply concerns the internal administration of the country and the character and conduct of the officials by whom that administration is carried on. In ordinary circumstances, therefore, it should have been settled by the Government of Bombay in communication with the Government of India rather than with the Secretary of State. The case of Mr. Crawford,

Crawford, however, had to be disposed of by the Secretary of State, and, in accordance with the usual course, it was reported directly to his Lordship by the Government of Bombay. The cases of certain Mamlatdars had been brought into prominence owing to their having given evidence before the Commission on Mr. Crawford, and the Government of Bombay, in their Despatch of 15th February, to the Secretary of State, after intimating the suspension of six officials from judicial functions, showed very clearly that they had before them a long and complicated investigation in the conduct of which they ought to be left perfectly free. They said:—

'The officials with whom we have thus dealt were those who, when examined before the Commission, stated that they had paid money in order to obtain appointments to which were annexed magisterial powers or powers of a higher class than those which at the time they gave the bribes they were exercising. Numerous other officials in similar posts gave evidence before the Commission to the effect that they had paid money to Mr. Crawford or his alleged agents, but their cases are more complicated, and in respect of them a decision can only be arrived at after mature deliberation and careful consideration of all the circumstances in each individual instance. The circumstances in the different cases are so complex and various that they can only be appreciated on deliberate consideration of the entire case. The final disposal even of the question of the native officials who have now been suspended from the exercise of magisterial powers must await our general judgment on the case as a whole. The function which this Government is now called on to discharge is in its essence a judicial one, and in our opinion no intermediate order should now be passed which would prejudice our final decision, and all incidental questions must remain undecided, save as to provisional and necessary arrangements, until that judgment is arrived at.'

"On the 1st March the Government of Bombay submitted the report of the Commission on Mr, Crawford, together with their own opinion, but meanwhile and subsequently various direct communications passed between the Secrerary of State and the Government of Bombay regarding the subordinate officials who had given self-inculpating evidence. So long as such direct correspondence continued, the Government of India felt that their interference was highly undesirable and might produce awkward, perhaps even mischievous consequences. It was not until the Secretary of State announced his final decision that they considered themselves free formally to intervene.

"The decision of the Secretary of State was contained in a telegram addressed to the Government of Bombay and dated 7th August, which runs as follows:—

'On further consideration, I am of opinion that the case of Mamlatdars must be governed by the spirit of Statute 49 George III., and consequently the order passed by you must be revised. Mamlatdars and other officers proved to have paid money to obtain their offices, or promotion or other official favours, must be dismissed altogether from Government service, unless their cases fall within the second of the two classes into which incriminated officials are divided by paragraph 2 of your Revenue Despatch of 3rd May 1889. They must be compensated in money for failure of Government to fulfil a pledge which has been found to be out of the power of the Government to perform. In doubtful cases, Sindekar included, and also as to compensation, consult Viceroy before deciding.'

"In this decision the Government of India substantially concur. Stated shortly, its effect is that those who paid money spontaneously cannot be allowed to remain in the service of the State, and that only those can be retained whose payments were virtually extorted. This Bill will indemnify all against suits and prosecutions, but it will not relieve any who made corrupt payments without any extreme pressure from the other penalties which they have incurred under the Statute 49 Geo. III. c. 126. It is not considered right that the guarantee against official or departmental punishment or loss should be maintained in all cases. The rights and liberties of Her Majesty's subjects must not be left at the mercy of Judges or Magistrates who have corruptly purchased their offices and powers. The dismissed men, however, will be given pecuniary compensation for this partial nonfulfilment of the guarantee.

"To show the action taken since the telegram of the 7th August removed the objection to our formal intervention I cannot do better than read some extracts from a letter addressed to the Bombay Government by the Home Department on the 2nd instant.

'The last portion of this telegram directed that doubtful cases should be referred to the Government of India, and also the question of the compensation to be given to dismissed

missed officials who had received guarantees of indemnity from the Bombay Government. The case has thus come directly under the cognizance of the Governor General in Council, and it has since been determined by His Excellency in Council, in communication with the Secretary of State and the Government of Bombay, and it is expedient to pass an Act of Indemnity to protect against suits and prosecutions those incriminated officials who stated under guarantee that they paid money to Mr. Crawford. But before such a Bill of Indemnity is introduced it seems desirable that the cases of all those who had publicly inculpated themselves before the Commission should be finally disposed of, such as had brought themselves within the purview of the Statute being absolutely dismissed, and the grounds on which the others might be excused being clearly ascertained. In this view it has become necessary for the Governor General in Council to satisfy himself as to the propriety of the orders passed by the Government of Bombay in every such case, and accordingly my telegrams of the 21st and 22nd desired that His Excellency the Governor in Council would proceed to review his classification of the officials in question, and submit in the first instance the names of those who should unquestionably be removed from office.

'The Bombay Government's Despatch of the 3rd May divided the incriminated officials into two classes:—

"the first comprising those * * * * who * practically volunteered the payment of bribes to secure their own objects, * * * * the second including those who only paid under extreme pressure, in order to avoid unmerited degradation, unjust supersession or ruinous transfers, * * * or * * * * to prevent * * * * the blasting of their official careers."

'Under the terms of the Secretary of State's telegram of the 7th August those who come under the first category must be dismissed without delay, compensation for the loss of office being given to such as made disclosures under the guarantee offered to them through Mr. Ommanney and who had fulfilled the conditions attached to that guarantee. But those who fall under the second category need not be necessarily removed from office, It will comprise those cases in which payment of money was virtually extorted, and was not such a spontaneous and voluntary act as to bring it beyond doubt within the intention of the Statute. As regards those persons the Government of India will be prepared to declare that they have not incurred the disabilities enacted by the Statute and need not be disturbed in their appointments.

'Your telegram of the 23rd August reported the names of seven persons as liable to dismissal under the orders of the Secretary of State. * * *

'All these persons gave evidence before the Commission, and their evidence is recorded in the Commissioners' Report. In regard to them, therefore, the Government of India is in a position to pass orders. His Excellency the Governor General in Council has carefully considered the statements made by them at the inquiry, and fully agrees with the Governor in Council that they have incurred the penalty of dismissal provided by the Statute. In the last two instances only has there been any serious attempt to suggest oppressive treatment by Mr. Crawford, and in neither was there anything which even approaches to extortion. The Commissioners held in Vinzé's case that the suggestion was "altogether unfounded," and in Támbé's case that "as to the allegation that he was driven to give a bribe by being transferred and superseded, we find it to be groundless." All these seven persons must accordingly be dismissed as proposed.

'In your telegram of the 25th August, you reported the names of seven other officials as also liable to dismissal. * * *

'All these persons received guarantees, but only two of them * * * gave evidence before the Commission. Regarding the rest the Government of India are not in possession of any evidence on which they can come to a decision as to the category in which they should be classed. As regards Kumthekar, his own statements recorded at page 19 of the evidence before the Commission show conclusively that he gave money willingly to obtain an appointment and confirmation as Mamlatdar, and he must undoubtedly be dismissed. Bivalkar's case was not proceeded with at the inquiry, and his evidence in Drávid's case, printed at page 180 of the record, is not altogether conclusive. The Government of Bombay should proceed to deal with his case, as well as with those of any others who did not appear before the Commission, on such evidence as may be in their hands. Those whom His Excellency in Council may find to have made voluntary payments should be at once dismissed. Those cases in which the payment is held to have been virtually extorted should be reported for the information of the Government of India, together with the grounds on which such conclusion has been arrived at.

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'Lastly, it will be for the Government of Bombay to propose for the orders of the Governor General in Council the grant of such compensation to the dismissed officials as they think called for. The circumstances of each case should be fully stated so as to enable the Government of India to arrive at a decision.'

"In pursuance of these instructions the Government of Bombay has already removed from the public service the eight officials whom the Government of India directed to be dismissed, and will shortly dispose of others who clearly do not fall under the category of persons who paid under great pressure. It cannot be imputed to the Government of Bombay that in removing these men they are breaking

breaking their own guarantee, for their promise has to this extent been overruled by the Secretary of State and the Government of India, and the whole question reduced to the single issue of fact, whether the payment can or cannot be regarded as having been extorted. Where this issue is decided against the official his dimissal follows as a necessary consequence, and is the act not of the Bombay Government but of the appellate authorities which has enjoined the course of action to be pursued. Now that the line of action has been distinctly laid down and some of the leading cases finally disposed of, there is no reason why the Act of Indemnity should be further delayed. The disposal of some of the cases may occupy a considerable time, and it is possible that in some instances further investigation as to the circumstances which led to the payment may be required.

"My honourable friend has so framed his Bill as to indemnify against suits and prosecutions all who have confessed to making corrupt payments. In the matter of such statutory indemnity I agree that it is better not to allow the raising of questions whether the particular individual received a formal guarantee, and, if so, whether he has substantially fulfilled the condition by telling the truth, the whole truth, and nothing but the truth. These considerations, however, will materially affect his claim to pecuniary compensation for loss of office."

His Excellency the President said :—

"The events which have rendered it necessary for the Government to legislate in reference to this subject are so familiar to the public that it is scarcely necessary to offer a lengthened explanation of them in this room, and I have very little to add to the statements which have been made by my honourable colleagues. The Bill before the Council has been prepared with the object of enabling the Government of Bombay to redeem, as far as it can be properly allowed to redeem, the pledge which was given on its behalf to certain persons implicated by their own confession during the course of the proceedings connected with the recent prosecution of Mr. Crawford. It is, I think, very desirable that there should be no misunderstanding as to the circumstances under which this guarantee was given. The Bombay Government had satisfied itself that there prevailed within a part of the Presidency a system of widespread corruption, encouraged, or deliberately connived at in his own interest, by an official high in the service of Government. Holding this belief, it determined to strike a blow at the system by proving the guilt of the person who was believed to be mainly responsible for its existence and in inflicting exemplary punishment upon him. The surroundings of the case rendered it highly improbable that the evidence necessary in order to obtain a complete disclosure of the facts would be obtained, unless those who were able to give such evidence received an assurance that they would be protected against the consequences of their own admissions. *Primâ facie*, and putting on one side for a moment the purely technical and legal aspects of the matter, I think the case was one in which it was entirely for the Government of Bombay to decide whether such an assurance was or was not indispensable. The object aimed at by the institution of these proceedings was one of such vast importance, and the necessity of purging the public service of abuses as flagrant as those of which the existence was suspected was so urgent, that it does not seem to me that any complaint can, as a matter of principle, be made of the Bombay Government merely upon the ground that, in order to secure the conviction of the person whom it regarded, and rightly regarded, if his guilt was to be assumed, as by far the most conspicuous offender, it was content to allow others, whose guilt was, upon this assumption, infinitely less serious, to escape the punishment which they deserved. A promise of indemnity under such circumstances was not, therefore, it seems to me in the least reprehensible. Nor, on the other hand, was such a promise unusual, for cases must be familiar to us all in which such engagements are permitted to be given to lesser criminals in order to obtain the conviction of more serious offenders.

"I think, moreover, that we may go further, and say that the offence which it was desired to condone, considering the circumstances under which it was committed, was, in the case of a large number of the persons to whom the guarantee of indemnity was given, not of so heinous a nature as to justify the view that any grave miscarriage of justice would have been involved by

allowing those persons to escape the punishment to which they had rendered themselves liable. It is difficult to read the papers which have been submitted to the Government of India in this connection without coming to the conclusion that the Bombay Government is justified in its contention that a large number, at all events, of the incriminated officials, are to be regarded rather as the victims of extortion than as willing parties to corruption. In regard to this point, I have only to add that the evidence disclosed before the Commission appears to show that there were different degrees of culpability amongst the persons by whom the guarantee of indemnity was accepted, and that it does not seem to be beyond our powers to distinguish between those whose offence may, for the reason which I have just given, be regarded as comparatively venial, and those who are guilty of corruption of a more serious kind.

"To the whole of these persons apparently, without reference to the degree of their guilt, a promise of indemnity was extended on behalf of the Bombay Government. No question can arise as to the *bona fides* of that guarantee, or as to the sense of duty which led the Bombay Government to give it. The question seems to have been regarded by that Government purely as one of policy, and it is evident from the correspondence which has taken place that no doubt ever arose in their mind with regard to the legality of the action which they were taking.

"It was not until several months after the engagement had been thus entered into, and after the persons to whom it had been given had tendered their evidence, that the legality of the step was called in question. The point is one involving the interpretation of the Statute, and I will not take up the time of the Council in discussing it. It is sufficient to state that it did not occur at the time to the legal advisers of His Excellency the Governor that the Act of Geo. III. was applicable to the case with which they were dealing, and I understand that even now, when their attention has been specifically directed to the matter, they are not prepared to admit the applicability of the statute. Their interpretation of the statute has, however, not been accepted by the Secretary of State, who has distinctly intimated that, in the opinion of Her Majesty's Government, the guarantee was *ultra vires* and illegal. The reasons alleged by the Bombay Government in support of their view have been carefully examined by our honourable colleague, Mr. Scoble, and he has just stated fully the considerations which have led him, and which have led the Government of India, to concur with the opinion which the Secretary of State has expressed.

"What then is the position of the Bombay Government? Its good faith is not called in question for a moment; the objects with which it acted were objects which must commend themselves to all right-thinking persons, and, as I pointed out just now, the engagement given by them was not in principle abhorrent to our ideas of morality, or in practice unfamiliar to our judicial procedure. It appears to me that, under these circumstances, it is our obvious duty to give the Bombay Government every assistance in our power in order to enable it to redeem an engagement which it has been compelled to break. The faith of the Government of a great Presidency is not lightly pledged, and that pledge once given should be respected in the spirit as well as in the letter. I can conceive nothing more unfortunate than that an impression should be allowed to prevail in the minds of the people of this country that the Government of India, or any portion of it, is prepared to play fast and loose with a solemn engagement deliberately entered into by any person authorised to represent it, or to speak on its behalf, and I believe I am expressing the views of the Government of India, as well as those of the Secretary of State, when I say that it has been our desire in this instance, as far as it was possible to do so, to make good in all essential respects the undertaking on the strength of which these witnesses tendered their evidence to the Commission.

"It appeared, however, to the Secretary of State that there was a point beyond which our desire to redeem the pledge of the Presidential Government ought not to be allowed to carry us, and that that point was reached when the question became one of legislating for the express purpose of retaining in office, and in the discharge of judicial and administrative functions requiring the highest integrity for their proper performance, persons who had not only become legally incapable of serving the State, but who, by their own admission, had shown themselves guilty of deliberate and voluntary corruption, and consequently wanting

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ing in the qualities most essential to secure for them the confidence of the public. The Secretary of State believed that if the guarantee given in such cases was to be literally observed, if a law was to be passed with the object of relieving from a statutory disability men whose fault could not be regarded as a venial one, who were not in any sense the victims of extortion, but the willing aiders and abettors of corruption, a greater blow would be struck at the purity of the public service by the condonation of notorious guilt than by a partial departure from the terms of the bargain into which the Government of Bombay had entered. This view is that which the Government of India is ready to adopt. Except in the cases of some of the most gravely implicated officials, the engagement entered into by the Bombay Government will be literally fulfilled. In these cases we believe that, having to choose between a partial cancellation of the guarantee, and the retention in office of men self-convicted as unworthy of public confidence, a partial cancellation of the guarantee is the lesser evil.

"The test which has been adopted in order to determine in each case whether a more or less serious view should be taken of the guilt of the person concerned, has been that to which I referred just now. It is well described in the Despatch from the Bombay Government to the Secretary of State, dated 3rd May, which divided the incriminated officials into two classes:—

'the first comprising those, a comparatively small number, who either practically volunteered the payment of bribes to secure their own objects, to gain undue promotion, or to escape the results of previous misconduct, or who on but slight provocation or under slender temptation, paid money to purchase favours to which they had no substantial claim; the second, including those who only paid under extreme pressure, in order to avoid unmerited degradation, unjust supersession, or transfers ruinous to their purse and destructive as they feared of their health, or who gave money in despair and on repeated applications to prevent, as they believed, the blasting of their official careers.'

"Adopting this distinction we have come to the conclusion that those officials, of whom it cannot be said that the acts of corruption to which they have pleaded guilty were committed under compulsion or pressure, must be suffered to take a part, at all events, of the consequences of those Acts, and ought not to be relieved from the incapacity which the Statute of Geo. III. imposes upon all persons guilty of such offences. Even in these cases, however, the Bombay Government will be authorised to make good, as far as may be, the assurance which it had given by the payment of an equitable compensation for loss of office to each official removed from the service. The position of the officials who fall within this category will, therefore, be as follows: The terms of the indemnity which they received were intended to shield them in three respects: it led them to expect, first, exemption from punishment for an indictable offence; secondly, protection from private suits and prosecutions; and, thirdly, retention of office in spite of a statutory incapacity. In respect of the first and second of these engagements, the indemnity will remain intact. The third engagement we are unable to make good, except to the extent of offering to the persons concerned a pecuniary compensation for the injury which their professional prospects will sustain. The dismissal of some of these persons has already been publicly announced by the Government of Bombay.

"In the case of those whose guilt is proved to be of a more venial kind, we propose, by means of a Resolution of the Government of India, publicly to confirm the engagement of the Presidential Government, and to announce that no steps will be taken to disturb them in the offices which they hold. The Bill now upon the table will protect both classes from the suits and prosecutions to which they have rendered themselves liable.

"The solution which has been described by my honourable colleagues will, I trust, meet with the approval of the Council and of the public, not as being in all respects one upon which we can congratulate ourselves, but as being probably the best solution which the conditions of a very delicate and complicated problem permitted. We have endeavoured, as far as the circumstances allowed us, on the one hand to uphold the credit of the Presidential Government, and on the other, to defend the purity of the service, for the defence of which the Government of Bombay, in the face of much hostile criticism, instituted proceedings against one of its highest officials. The two objects were to some extent irreconcilable,

cilable, and we have, much to our regret, been constrained to require from the Bombay Government in some cases a partial departure from the promises which it had made. I must, in fairness to that Government, insist upon the fact that, so far as the dismissal of these persons is concerned, it has been a reluctant agent, that it has throughout sought to respect in their integrity the pledges which it had given, and that it is only under the orders of a superior authority that it submits to the decision which has been explained to-day. The Secretary of State has already expressed in the strongest terms his admiration for the courage and singleness of purpose with which His Excellency the Governor undertook a task which must have caused him infinite anxiety. That admiration is shared by us, and we desire to go, as far as we can venture to go, in supporting the Government of His Excellency. If, to the extent which I have described, we stop short of a complete confirmation of the steps which it has taken, we do so with regret and out of regard for the very consideration to which he has himself given throughout these occurrences the foremost place, the purity of the public service of India."

The Motion was put and agreed to.

The Honourable Mr. Scoble introduced the Bill, and moved, under rule 18 of the Rules for the Conduct of Business, that the Bill be taken into consideration at the next meeting of the Council.

The Motion was put and agreed to.

The Council met at Viceregal Lodge, Simla, on Thursday, the 3rd October 1889.

BILL TO INDEMNIFY CERTAIN WITNESSES.

THE Honourable Mr. Scoble moved to postpone the Motion that the Bill to indemnify certain witnesses be taken into consideration. He explained that some communications which were expected from Bombay in time to be laid before the Council had not yet been received, and he desired, therefore, to postpone the Motion till a future meeting.

The Motion was put and agreed to.

The Council met at Viceregal Lodge, Simla, on Thursday, the 17th October, 1889.

BILL TO INDEMNIFY CERTAIN WITNESSES.

THE Honourable Mr. *Scoble* moved that the Bill to indemnify certain witnesses be taken into consideration. He said:—

"Since the introduction of this Bill I have received a considerable number of telegrams and other communications from various parts of the Bombay Presidency, urging that British honour and British prestige require that the indemnity given by the Bombay Government should be maintained in its integrity, and that the adoption of any other course will be fraught with evil results Public meetings have also been held in several places, at which resolutions to a similar effect have been passed; and in many vernacular and other newspapers articles have been published, in which the same view has been expressed with more or less vigour and ability.

"I desire to speak with all respect of these manifestations of public opinion, though there doubtless may be some room for supposing that the agitation is not

not altogether spontaneous, and that public opinion is not really so deeply stirred as it is represented to be. But I quite admit that there is a great deal to be said in favour of the view thus put forward; that the course which Government has felt itself constrained to adopt, cannot but be distasteful to many members of a large and influential class, and that it would have been much easier to have looked at the matter entirely from the point of view of the incriminated officials, and given them the complete immunity which is now claimed on their behalf.

"But there is another point of view which those who remonstrate against our action seem to me to have entirely left out of sight, but which the Government of India, looking dispassionately at the whole history of the case, could not fail to consider. The indemnity given in this case, as in every other of which I can find any record, was conditional. The Masters in Chancery, who furnish the precedent on which most reliance is placed, were required to 'fully and truly discover and disclose' their misconduct before a competent tribunal; and more recent legislation makes a certificate from the examining authority a condition precedent to the grant of the indemnity. I think it must be admitted that this is a proper condition to make, and had an indemnity Bill been proposed in this Council before the Commission began its labours, I should certainly have insisted on the insertion in the Bill of such a condition. Had this been done, those who have read the report of the Commissioners will probably agree with me in doubting whether the necessary certificate would have been granted to a good many of the witnesses. I have no desire to rekindle a painful controversy, but when I find such expressions as these used in the report,—'We think the story of these witnesses is disproved by considerations of a broader kind, its extreme improbability and its inconsistency with undoubted facts and with contemporary documents,'—'The contradictions and improbabilities apparent on the face of the evidence deprive it of any title to credibility,'—when I find that some witnesses are described as 'untrustworthy,' and the evidence of others stigmatized as 'false,' and that these were the deliberate opinions of an exceptionally strong Commission, the members of which had the advantage of seeing and hearing the witnesses, and observing their demeanour, I cannot but come to the conclusion that some of those who now clamour so loudly for complete indemnity might possibly have not obtained any at all. In granting indemnity against suits and prosecutions to all alike, without reference to the fulfilment of the above condition, the Government of India has thus possibly extended, rather than narrowed, the limits of the original promise. We were by no means bound to assume, in the face of the Commissioners' report, that the evidence given was, in every instance, 'the truth, the whole truth, and nothing but the truth.' That we have done so is immensely to the advantage of many of those concerned, and no objection has been taken to the course which we have considered it expedient to pursue in this respect. But if the right to waive an essential term of the indemnity in favour of any of the witnesses is admitted, this admission surely carries with it the concession of the right to determine whether the condition has been so completely fulfilled as to require, *ex debito justitiæ*, that the full indemnity ought to be granted.

"I am not therefore greatly concerned to refute the argument which has been based on an appeal to British honour and British prestige. Those priceless possessions will, I venture to think, be best maintained by a close adherence to what is most conducive to public rather than individual interests. But I may be permitted to say that I scarcely understand the moral attitude taken up by the apologists of the incriminated officials. They insist that the Government must scrupulously adhere to its plighted word, while they appear to recognise no such obligation on the part of its servants to the Government itself. The argument amounts practically to something like this:—Any promise made to mamlatdars must be kept at any cost; but mamlatdars must be allowed to break laws and to violate duty with impunity. Indeed, they are held up to admiration as patriots and martyrs, because of what seems to me an absolute want of moral sense, first of all in paying bribes, and afterwards in holding their tongues about the system of corruption which they themselves had rendered possible, until they could speak without the slightest risk of danger to themselves. The men who did this, be it remembered, were not poor raiyats—in the words of the Bombay Government, 'they were astute and

educated native officials, who drew their inferences from known facts, and who, when they paid considerable sums to secure favours, did not recklessly throw their money away, or give up their hardly-earned savings, without satisfying themselves that they would derive some advantage from the payment.'

"I think the aspect of the case which is thus presented has been somewhat lost sight of by the apologists of these officials. It is to me almost inconceivable that not one man should have been found among them with sufficient courage and honesty to come forward and denounce the system of corruption which he found prevailing. But we are told, 'a dumb helplessness seems to have pervaded the official class. A sense of the inevitable necessity of buying favours caused many to come forward with money who were quite free from corrupt inclinations.' To my mind this is an altogether insufficient excuse. If the moral fibre of native officials in the Bombay Presidency is thus weak, it requires to be strengthened, and it is not likely to be strengthened by the indiscriminate retention in office of men who have shown themselves thus deficient in courage and a sense of honour. The Bombay Government has drawn a distinction between two classes of witnesses—those who offered to pay, and those who consented to pay under compulsion. In accepting this distinction, and consenting to the continued employment of the latter class, the Supreme Government has, I think, gone as far as it could go with a due regard to the interest of the public service. The dismissal, with compensation, of the less venal offenders will, I hope, teach the lesson that tame submission to an 'energetic and dominating personality' is not a sufficient excuse for dereliction of duty, and that service and obedience are due, not to the individual, but to the State and to the law.

"It is said by a body no less respectable than the Poona Sarvajanik Sabha that 'the alleged evil of continuing men in office who made payments to Mr. Crawford cannot, under any circumstances, be compared with the evil results of the violation, even partial, of its pledge by the Government, and the loss of confidence it will generate, and the sure risk incurred in that it will be impossible evermore to detect corruption in high places.' I have already dealt with the first part of this argument; as regards the rest I will only say that I trust the action of Government will inspire officials and others with the best sort of confidence, confidence to pursue the right course in spite of all hazards, confidence that the ear of the Sirkar is always open to the truth, and that thus corruption in high or low places will be rendered impossible of detection because it will be impossible for it to exist. I cannot, however, bring myself to believe that the state of things which has necessitated the present legislation will ever be reproduced, or that a similar paralysis of public spirit is likely to occur again among the educated and ambitious classes from which our subordinate service is recruited.

"I have noticed with regret that in some quarters an attempt has been made to draw a distinction between the punishment meted out to Mr. Crawford and that awarded to the witnesses who testified against him. This distinction, it is asserted, rests upon difference of race, which has prompted difference of treatment. In answer to this unfounded suggestion it is sufficient to say that while Mr. Crawford has been dismissed from Her Majesty's service without indemnity or compensation, the witnesses against him, even if not retained in the service, obtain both indemnity and compensation, and the advantage is therefore altogether on their side.

"So far, therefore, as the persons affected by this Bill are concerned, I think substantial justice has been done. I am not surprised that the settlement is not considered satisfactory by some of the witnesses and their friends, and I am not astonished that there has been a good deal of fervid eloquence expended on the subject; but I think the public generally will be disposed to accept the solution at which we have arrived as just and reasonable, and will give the Government credit for having honestly attempted to reconcile the observance of a somewhat inconsiderate promise, with the maintenance of that high standard of duty without which public employment, especially in Oriental countries, is only too apt to degenerate into a means of practising oppression and extortion."

The Honourable Mr. Hutchins said:—

"It was certainly not to be expected that this Bill or the limited indemnity which

which it provides would give universal satisfaction, and I am not at all surprised at the multitude of protests and memorials which it has elicited. Still I venture to express my concurrence with my honourable friend in the hope that the course which the Government of India has determined to take will command general approval outside the Bombay Presidency, or perhaps it would be more correct to say outside a certain limited class within that Presidency. Our decision was not arrived at without much anxious consideration, without carefully balancing the evils which unfortunately confronted us on every side; and I wish to take this opportunity of discussing in some detail one or two of the principal arguments which have been urged in support of the demand for complete immunity, in order to show that they have not been overlooked, and why I think they may be disregarded.

"Perhaps the most formal and elaborate statement of these arguments is contained in the letter from the Poona Sarvajanik Sabha, from which my honourable friend has made a quotation, but the other communications which we have received proceed upon the same lines. I wish to note, in the first place, that the Sabha formally admits, and the same concession has been made almost universally, that the guarantee given by the Bombay Government 'in respect of place or office was *ultra vires*.' This is a point of the very greatest importance, for, as I shall presently show, it forms the basis of the action taken by the Government of India.

"It would not have occurred to me to notice the argument that your Excellency's Government is itself responsible for the 'inconveniently wide guarantee,' but for the fact that I am supposed to have endeavoured to defend the Government against such an imputation on the occasion when this Bill was introduced. I am not surprised to find that my arguments were considered unsuccessful, as I am quite unconscious of having offered any with this object; it did not occur to me that the Government of India could be deemed responsible, or that there was any necessity to defend it. But, as the point has now been raised, I must just say this: the imputation of responsibility on the part of your Excellency's Government is based solely on the assumption that 'the Local Government must have kept them informed of all its proceedings,' and that therefore, well knowing the 'inconveniently wide' form of the indemnity offered, they confirmed it by their acquiescence. This assumption is not only unfounded, but distinctly contrary to fact; the Government of India had no knowledge of the terms of the indemnity until after the criminating statements had been obtained.

"But then it is urged that, even apart from our own responsibility, the Civil Courts would not allow a principal, meaning your Excellency's Government, to repudiate a guarantee given 'by inadvertence' by his agent. Now, if 'by inadvertence' is to be taken as equivalent to 'without proper authority,' this statement of the law is, to say the least, very questionable. I will not, however, stop to consider that point. It is enough for my purpose to say that, assuming the correctness of the principle enunciated, in the case supposed, the utmost the Courts could do would be to award damages for any breach of the guarantee. To say nothing of other Members of your Government, your Excellency yourself has distinctly stated that we intend to give pecuniary compensation to all those guaranteed officials who have been or may hereafter be dismissed. Until the precise measure of this compensation has been settled it is obviously idle to say, as some of the memorials do, that such dismissal will involve 'prospective poverty.' I am now able to announce that by a telegram which has just arrived, the Secretary of State has authorised us to continue to these dismissed officials the full pay which they were receiving.

"A great point has been made of the precedent of the Masters in Chancery in 1725; it has been referred to as if it were absolutely binding. In the first place, it is somewhat significant that the only precedent is more than 160 years old, and occurred 84 years before the Statute of 49 Geo. III. was passed, though no doubt the Statute of Edw. VI. was in force. I trust the purity of the administration has made considerable advances in the course of the last century and a-half; we do not now regard official corruption as venial, but, in its true light, as one of the most heinous offences. Then, again, the Masters can only have been four or five in number. Their legitimate fees gave them a handsome income, they had no magisterial powers, and there was little reason to apprehend

that they would abuse such powers as they possessed; whereas the indemnity which we are now considering, was offered wholesale, and actually passed to more than 40 individuals invested with magisterial powers, and, as I fear, by no means unlikely to abuse them. But the essential distinction between the Masters and the Mamlatdars seems to me to be this: the Masters obtained an antecedent statutory indemnity about the validity of which there could be no question, whereas the indemnity on which the Mamlatdars rely was admittedly *ultra vires*, and the legislature is now called upon to decide whether or not it ought to be ratified in every case. It may well be doubted whether, even in 1725, Parliament would have consented to indemnify an unlimited number of officers against all possible loss; and, now that it has become necessary to appeal to the legislature to validate and give effect to such a wholesale guarantee, it seems right that we should pause and consider whether it is one which we ought to ratify to its fullest extent, and in every case without exception. My honourable friend has quoted a passage from the Sabha's address in which it insists that the evil of retaining in the service of the State all the incriminated officials cannot be compared with the evils which will result from a violation of the pledge illegally given by the Local Government. That is mere assertion, and an assumption of the very question which this Council is called upon to decide. I have already said that we are confronted by evils on every side; and the question is, in this conflict of evils, what is the best course to be pursued? How can we best preserve the honour of Government and the sanctity of a plighted though improvident promise, and yet at the same time vindicate the purity of the administration, and fulfil our obligation to provide impartial tribunals, and protect Her Majesty's subjects from being placed at the mercy of a magistracy which has shown that it is not altogether free from the taint of corruption? It is natural that the Mamlatdars and their friends, and perhaps to some extent the classes of society from which they are drawn, should denounce a broken engagement as incomparably the greater evil; but would the raiyats and the humbler classes express the same view if they could make themselves heard? I certainly think not. At all events that is not the view which has prevailed with the Government of India, nor will it, I think, commend itself to this Council. We feel that duty forbids us to follow the very simple and easy course of upholding the guarantee in its integrity, and we have resolved to undertake the infinitely harder task of discriminating between the officials who have shown such a want of moral rectitude, or such weakness of purpose as to be unfit to be retained in any responsible post, and those from whom the money may be taken to have been extorted by actual pressure or undeserved threats. In the former case the letter of the illegal pledge must be broken; we cannot but apprehend that they will abuse a position which they have obtained by corruption; they will therefore be dismissed, but they will receive very ample compensation. But the guarantee will be preserved in its integrity in every case in which this is possible with due regard to the interests of the public at large.

"During the last few days I have been considering, with a view to discriminate between them, the individual cases of a large number of these Mamlatdars; and before I conclude I wish to notice two other points which have been very strongly urged on behalf of many of them. The first is that bribery was rampant, that unless there had been an organized system of purchasing offices the individual would never have dreamt of offering a bribe. This has been gravely urged as if in itself it were tantamount to extreme pressure, but it is obvious that it is nothing of the kind. No one would pay for what he can get gratuitously. It would be no defence to a charge of theft, that the wrongful abstraction was the only means the thief had of acquiring the property which he desired. I am aware that many of these Mamlatdars only sought what they considered legitimate promotion, and I do not at all suggest that their offence falls within the same category as theft, although a man may commit even theft in respect of property to which he believes himself legitimately entitled. But I refer to theft only as a forcible illustration of a principle, and to make it clear that no one can justify his purchase of a coveted office simply by showing that he could not have gained it without payment. The Government of India will require much more evidence of pressure than the mere existence of widespread corruption.

"The other argument is this—that the incriminated officials have not been put on

on their trial as the rules of the service require; that they ought to be formally charged with having paid money without extreme pressure, and allowed to adduce evidence that they really paid under compulsion. If this argument is a sound one, if we are bound to hold an exhaustive inquiry in each case, there will be a very serious prolongation of what has long ago amounted to a grave and deplorable scandal; but it seems to me that the argument is one which cannot be admitted for a single instant. Every one of these men has confessed to the commission of a criminal offence. Even those whose payments do not clearly come within the purview of the Statute, are undoubtedly guilty under the Indian Penal Code, which they were pledged to administer righteously and effectually. The mere payment of the illegal gratification affords ample justification for their dismissal from the public service; it is only out of grace and policy, and our wish to fulfil, as far as possible, even an illegal promise, that any one of them can be retained. And, if their retention is itself a matter of grace and policy, it follows that we are under no obligation to permit any further investigations; the question whether we will take extenuating circumstances into consideration at all, and, if so, to what extent and within what limits, is itself a matter of grace and policy also. As a matter of fact, however, I may say that in almost every case we intend to proceed on the facts as disclosed by the offender's own statement, and I do not see how he can complain of that. No doubt the result may be that those dismissed may not be the very worst offenders; but we cannot help that. Almost anything would be preferable to a further prolongation of the scandal, and, so far, we have only directed dismissal in those cases which the Bombay Government submitted first, and which may be presumed to be of the most glaring character."

His Excellency the President said:—

"It certainly did not surprise me, any more than it surprised my honourable colleagues, to find that this measure, during the three weeks which have passed since it was introduced into Council, has excited a considerable amount of public discussion, and has encountered, from some quarters, a good deal of adverse criticism. The circumstances of the case are not of a kind which need render us particularly susceptible or ready to complain of such criticism. We have never represented the measure itself, or the arrangements by which it is to be accompanied, as more than the most hopeful settlement of a question full of difficulty in itself, and rendered still less easy of solution from the fact that the Government of India was not called upon to intervene until the eleventh hour, by which time the situation had become very seriously complicated. All that we claim is, as I ventured to point out the other day, that the solution which we have proposed is, upon the whole, the most reasonable one of which the circumstances admit, and the most just in regard to the various interests affected by our decision. If I were to be called upon to criticise the criticisms which have been directed against our action, I should be inclined to say that most of them were apparently made entirely with reference to the interests of one of the parties concerned, and that the interests of all the rest appear to have been almost completely ignored. For we have a right to insist that in dealing with this important matter, we had to take into consideration, not only the manner in which the reputation of the Bombay Government will be affected by a departure from the engagement offered to the inculpated Mamlatdars, but the duty which we owe to the people of this country, of whom we may surely say that their interests are largely involved in the maintenance of the purity of the public service, which we have endeavoured to uphold. In respecting the engagement of the Bombay Government we have gone as far as we could, and I cannot help thinking that those who have taken exception to the course which we are about to adopt have not given us sufficient credit, either for the length to which we have gone in making good the guarantee under which these officials gave their evidence before the Crawford Commission, or for the motives which led us to stop short of a complete and literal fulfilment of that guarantee. In regard to the former of these points one would almost have supposed, from reading some of the observations to which publicity has lately been given, that it was the intention of the Government of India to make no attempt whatever to compensate the dismissed Mamlatdars for the loss of the emoluments of the

offices of which they will be deprived. My honourable friend Mr. Hutchins has stated to Council how we propose to deal with this part of the case. Our proposals, which have received the consent of the Secretary of State, will, I cannot help thinking, be regarded as conceived in a most liberal spirit, and as affording the strongest proof of our desire to make good, to the utmost of our ability, the engagement of the Bombay Government.

"In regard to the argument that the guarantee, having once been given, should have been made good, even at the cost of retaining in public employment persons who, by their own admission, had incurred a statutory incapacity for serving the public, I will venture to make one observation only. I earnestly trust that those to whom this view of the case commends itself will consider carefully the import of the arguments which they may advance in support of their view, and the legitimate conclusion to which they will find themselves committed if they push those arguments too far. I own that it is not without misgivings that I have noticed the readiness which has been shown in certain quarters to assume that the Government of India, sooner than be a party to even a slight and limited departure from the guarantee given by the Bombay Government; a guarantee which, remember, has been held on the highest authority to be illegal and *ultra vires*, should have recourse to legislation for the purpose of retaining in official employment persons tainted with corruption. The reckless use of language of this kind appears to me to show a complete disregard for the interests of that section of the community which, if these persons had not been deprived of their offices, would have depended upon them for the due administration of justice, and which would surely have had a right to complain if it had been called upon to submit itself to the judgment of functionaries whose integrity, after what has taken place, would always have remained liable to be called in question. This, however, only one aspect of the case. But we run the risk of finding ourselves face to face with a much more serious one. It appears to me that those who contend that the conduct of which these dismissed officials have been guilty is not conduct deserving of serious reprobation, or calculated to unfit them for the discharge of important judicial and administrative functions, are striking a serious blow at the standard of public morality in this country. The argument is, in fact, this, that what would be regarded in other countries as a complete disqualification for the tenure of a position of public trust, or responsibility, is not so regarded in India; that public corruption is more tolerable here than it would be in England; and the inference is suggested that native public opinion is callous or indifferent upon this point, and that we ought to be content that it should be so. I cannot conceive any line of action more calculated to have an unfortunate effect on the public mind here and elsewhere. It has been the policy of the Government of India to increase, from time to time, the opportunities offered to the Indian subjects of Her Majesty for serving the State in important and responsible positions. I, for one, rejoice that this should have been the case, and it is for this very reason that I should deplore any action on the part of persons representing themselves to be the friends and spokesmen of the natives of India, which might lead to the belief that public opinion here was lukewarm in regard to this all-important question of official purity. The Government of Bombay is given credit, and deservedly so, for the manner in which it attempted to deal with corruption when the person suspected was a high English official. I trust that the Government of India will at least not be censured for having declined to tolerate the continued presence in the public service of Native officials who have been shown beyond all doubt to be tainted with the same corruption."

The motion was put and agreed to.

The Honourable Mr. *Scoble* moved the following amendments in the Bill:—

In line 12 of the Preamble, between the words "Council" and "statements" to introduce the words "and in the investigation and trial of certain criminal charges against one Hunmuntrão Raghavendra."

In line 5 of section 1, to substitute for the words "admission of an offence" the words "offence admitted by him."

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In line 9 of Section 1, to insert the words "preliminary to or" between the words "Council" and "in connection with."

At the end of Section 1, to add the words "or in the course of the said investigation and trial."

He said: "The first and fourth amendments are made at the request of the Bombay Government, who consider that the same indemnity which is given to witnesses in the Crawford case should be extended to those who gave evidence in the collateral proceedings against Hunmuntrao.

"The second amendment is suggested by the learned Advocate-General of Bombay.

"The third merely supplies an accidental omission in the Bill as originally printed."

The motion was put and agreed to.

The Hon. Mr. Scoble also moved that the Bill, as amended, be passed.

The motion was put and agreed to.

— No. 33. —

LETTER, dated Simla, the 29th October 1889, from the Government of India to Her Majesty's Secretary of State for India.

WITH reference to the correspondence ending with the telegram from your Lordship, dated the 28th August last on the subject of the action to be taken in dealing with the officials incriminated by the disclosures made in the course of the recent inquiry into the charges against Mr. A. T. Crawford, we have the honour to forward, for your Lordship's information, copies of the papers entered in the annexed list.

2. In a telegram to the Government of Bombay, dated 7th August last, your Lordship expressed the opinion that the decision on the cases of these officials must be governed by the spirit of the Statute 49 Geo. 3, c. 126, and indicated the lines on which they were to be dealt with. Your Lordship also desired that in doubtful cases, and also in the matter of the compensation to be given to dismissed officials who had received guarantees of indemnity from the Bombay Government, a reference should be made to us. The case thus came directly under our cognisance, and from our Home Secretary's letter, dated the 2nd ultimo, it will be seen that we adopted the view of the Local Government, approved by your Lordship, that the incriminated officials might be divided into two classes, the first class comprising those who had either practically volunteered the payment of bribes to secure their own objects, to gain undue promotion, or to escape the consequences of previous misconduct, or who paid money on but slight provocation, or under slender temptation; and the second, those who only paid under extreme pressure, in order to avoid unmerited degradation, unjust supersession, or transfers ruinous to their purse, and destructive, as they feared, of their health, or who gave money in despair, and on repeated applications, to prevent, as they believed, the blasting of their official careers. We agreed that, while those who came in the first category must be dismissed, compensation for the loss of office being given to such as made disclosures under the guarantee offered to them, and had fulfilled the conditions attached to that guarantee, those who fell in the second category need not necessarily be removed from office; and we announced our readiness to declare that those from whom payment of money had been virtually extorted had not, beyond doubt, incurred the disabilities enacted by the statute, and need not be disturbed in their appointments. We also accepted the proposal of the Bombay Government for the dismissal of certain officials who, in our opinion, had clearly incurred this penalty. As regards certain others, who had not given evidence before the Commission, we suggested that the Bombay Government should proceed on such evidence as it might be in possession of; that those whom the Governor in Council might find to have made voluntary payments should be at once dismissed, and that those cases in which the payment was held to have been virtually extorted should be reported to us. The Bombay Government was, at the same time, invited to submit proposals for the grant of compensation to the dismissed officials.

3. With its letter dated 17th ultimo the Local Government submitted the cases of 18 officers. As two of them have retired on pension, the only question in their case relates to the indemnity against suits, &c.; and this is fully provided for in the Act to indemnify witnesses in the Crawford case which has just been passed in our Legislative Council, and reported to your Lordship in Legislative Department Despatch, No. 27, dated 28th October 1889. As regards the remaining 16 officials, we have, after carefully considering the circumstances of each case, decided that four should be dismissed, while 12 may be retained in the public service. The general considerations which we have kept in view in dealing with these cases have been set forth in paragraph 2 of our Home Secretary's letter of the 28th instant.

4. It should be stated here that, in accordance with the instructions contained in your Lordship's telegram dated the 23rd August last, we have endeavoured to prevent the question of the disability of the excused officers from being raised; but we are by no means sure that this result can be secured, and we think it right to state that, if it is raised against them or any of them, it will probably become necessary to pass a further Act of Indemnity in the form which was originally proposed by the Government of Bombay, and which we ourselves greatly preferred.

5. As regards the question of the compensation to be given to the dismissed officials, we invite your Lordship's attention to paragraph 27 of the letter from the Bombay Government, dated 17th ultimo, and to paragraph 3 of our Home Secretary's letter of the 28th instant above referred to, from which it will be seen that we have sanctioned the proposals of the Local Government under this head, with the exception of that which involves the grant of increments of pay when in the natural course the turn of the dismissed official for promotion to higher grades would have arrived if he had remained in the service.

We have, &c.
(signed) *Lansdowne.*
G. Chesney.
A. R. Scoble.
P. P. Hutchins.

Enclosure No. 1, in No. 33.

TELEGRAM, dated 21st August 1889, from Home Department, Government of India, Simla, to Government of Bombay in Home Department.

SECRETARY of State requires, as condition precedent to Indemnity Bill, dismissal in all cases not within Clause 2 of your Despatch of 3rd May. 'Please let us have by telegram names of those witnesses who must clearly be dismissed under this ruling. We shall then, after directing the dismissal of these, proceed with a Bill of Indemnity which will empower Government of India to relieve all persons involved by disclosures in Crawford case from liability to suits and prosecutions, and which will also relieve from disabilities incurred any persons whom Governor General in Council may consider deserving of such relief.'

Enclosure No. 2, in No. 33.

TELEGRAM, No. 1179, dated 22nd August 1889, from Home Secretary, Simla, to the Government of Bombay.

OUR telegram of yesterday about mamlatdars. In view of clear instructions in Secretary of State's telegram of 7th August, you will probably, on consideration, resolve to dismiss some witnesses who obtained guarantee, besides those already deprived of powers as not coming within your second class; in this view, please to revise your list, and as Secretary of State desires that as many as possible of those to be dismissed should be actually removed before Bill of Indemnity passes, please wire from time to time names of any whom you determine to dismiss. Afterwards, in due course, submit list of those whom you finally place in second category as deserving relief from the statutory disability to hold office. State fully the grounds on which you desire Governor General in Council to exercise in favour of each the discretionary power which he is about to take by legislation.

Enclosure No. 3, in No. 33.

TELEGRAM, dated 23rd August 1889, from Government of Bombay, Poona, to Home Secretary, Simla.

OF the officials incriminated in the Crawford inquiry, Governor in Council, on further investigation, considers that the dismissal of Balwant Narayan Dabir, Shankar Bhalchandra Bapat, Mahadeo Balkrishna Khasnavis, Venkatesh Krishna Dravid, Daji Ballal Paranjpe, Ramchandra Krishna Vinze, and Yeshwant Ballal Tambe is necessary under the orders of the Secretary of State, but the order should not issue until investigation and orders thereon are complete. Investigation by Governor in Council is still proceeding.

Enclosure No. 4, in No. 33.

TELEGRAM, dated 25th August 1889, from Government of Bombay, Poona, to Home Secretary, Simla.

INVESTIGATION by this Government of cases of inculpated officials is now completed, except as to a few reserved for further inquiry. Names of those included in the second category, and of those whose cases appear doubtful, will be submitted in a letter. To list of those to be dismissed must be added Moro Raghunath Bivalkar, Vasudev Ramchandra Patwardhan, Sakharam Chimnaji Joshi, Kashinath Vinayek Bhave, Mahadev Keshav Kumthekar, Ramrao Hanmant Rajguru, and Janardhan Eknath Sahasrabudhe. Does Government of India desire that before actual dismissal the defence should be taken of each official who has confessed payments?

Enclosure No. 5, in No. 33.

TELEGRAM, No 1221, dated 30th August 1889, from Home Secretary, Simla, to Chief Secretary to Government of Bombay, Poona.

RELIEF against statutory disability being considered objectionable, Bill will be restricted to indemnity against suits and prosecutions, but Government of India will declare that persons whose payments were virtually extorted have not offended against statute and need not be disturbed. Final orders as to the seven included in your telegram of 23rd, and Mahadev Kunthekar, are about to issue. Evidence before Commission contains clear statement of circumstances under which they made payments, and no further inquiry or explanation necessary. As to other six men reported in telegram of 25th, there are no data before Government of India. You must determine whether their payments are voluntary or extorted, and either dismiss or report accordingly. Defence only necessary where party incriminated has not already made clear statement of facts.

Enclosure No. 6, in No. 33.

From the Officiating Secretary to the Government of India to the Chief Secretary to the Government of Bombay.

Sir, Simla, 2 September 1889.

I AM directed to acknowledge receipt of your telegrams, dated the 23rd and 25th August 1889, replying to those from this office of the 21st and 22nd idem, on the subject of the action to be taken in dealing with the officials incriminated by the disclosures made in the course of the recent inquiry into the charges against Mr. A. T. Crawford.

2. The previous correspondence on this subject has been carried on directly between the Government of Bombay and the Secretary of State. In their Despatch, No. 21, of the 3rd May last, the Bombay Government reported to the Secretary of State their views regarding the incriminated officials, and

Lord Cross, in his public Despatch, No. 8, dated the 9th May 1889, dealt with the same matter. Again, in their Despatch, No. 24, dated the 4th June 1889, replying to the Secretary of State, the Bombay Government reported the action which they had taken, and forwarded copies of orders depriving certain officials of magisterial powers which had been issued in pursuance of the decision announced in their Despatch of May 3rd. Although the questions at issue concerned internal administration, and affected the general interests of the public service, the Government of India thought their interference undesirable so long as direct correspondence was being carried on between the Bombay Government and the Secretary of State.

3. The Secretary of State, however, was advised that the measures proposed by the Bombay Government were insufficient to satisfy the Statute 49 Geo. 3, c. 126, which extends "to all offices, commissions, places, and employments belonging to or under the appointment or control of the East India Company." His Lordship accordingly, on the 7th August last, telegraphed as follows to the Government of Bombay:—

"On further consideration, I am of opinion that case of mamlatdars must be governed by spirit of Statute of George III., and consequently that the orders passed by you must be revised. Mamlatdars and other officers proved to have paid money to obtain their offices, or promotion or other official favours, must be dismissed altogether from Government service, unless their cases, fall within the second of the two classes into which incriminated officials are divided by paragraph 2 of your Revenue Despatch of 3rd May 1889. They must be compensated in money for failure of Government to fulfil a pledge which has been found to be out of the power of the Government to perform. In doubtful cases, Sindekar included, and also as to compensation, consult Viceroy before deciding."

4. The last portion of this telegram directed that doubtful cases should be referred to the Government of India, and also the question of the compensation to be given to dismissed officials who had received guarantees of indemnity from the Bombay Government. The case thus has come directly under the cognisance of the Governor General in Council, and it has since been determined by his Excellency in Council, in communication with the Secretary of State and the Government of Bombay, that it is expedient to pass an Act of Indemnity to protect against suits and prosecutions those incriminated officials who stated under guarantee that they paid money to Mr. Crawford. But before such a Bill of Indemnity is introduced it seems desirable that the cases of all those who had publicly inculpated themselves before the Commission should be finally disposed of, such as had brought themselves within the purview of the statute being absolutely dismissed, and the grounds on which the others might be excused being clearly ascertained. In this view it has become necessary for the Governor General in Council to satisfy himself as to the propriety of the orders passed by the Government of Bombay in every such case, and accordingly my telegrams of the 21st and 22nd desired that his Excellency the Governor in Council would proceed to review his classification of the officials in question, and submit in the first instance the names of those who should unquestionably be removed from office.

5. The Bombay Government's Despatch of the 3rd May divided the incriminated officials into two classes:—

"The first comprising those, a comparatively small number, who either practically volunteered the payment of bribes to secure their own objects, to gain undue promotion, or to escape the results of previous misconduct, or who on but slight provocation or under slender temptation paid money to purchase favours to which they had no substantial claim; the second including those who only paid under extreme pressure, in order to avoid unmerited degradation, unjust supersession, or transfers ruinous to their purse, and destructive, as they feared, of their health, or who gave money in despair, and on repeated applications, to prevent, as they believed, the blasting of their official careers."

Under the terms of the Secretary of State's telegram of the 7th August those who come under the first category must be dismissed without delay, compensation for the loss of office being given to such as made disclosures under the guarantee offered to them through Mr. Ommanney, and who have fulfilled the conditions attached to that guarantee. But those who fall under the second category need not necessarily be removed from office. It will comprise those cases in which payment of money was virtually extorted, and was not such a spontaneous and voluntary act as to bring it beyond doubt within the

the intention of the statute. As regards these persons the Government of India will be prepared to declare that they have not incurred the disabilities enacted by the statute, and need not be disturbed in their appointments. Whether they may not deserve some minor punishment, such as stoppage of promotion, will be a question for consideration in each particular case.

6. Your telegram of the 23rd August reported the names of seven persons as liable to dismissal under the orders of the Secretary of State, viz.:—

(1) Balwant Náráyan Dabir.
(2) Shankar Bhálchandra Bápat.
(3) Mahádeo Bálkrisna Khásnavis.
(4) Venkatesh Krishna Drávid.
(5) Dáji Ballál Páránjpé.
(6) Rámchandra Krishna Vinzé.
(7) Yeshwant Ballál Támbe.

All these persons gave evidence before the Commission, and their evidence is recorded in the Commissioners' Report. In regard to them, therefore, the Government of India is in a position to pass orders. His Excellency the Governor General in Council has carefully considered the statements made by them at the inquiry, and fully agrees with the Governor in Council that they have incurred the penalty of dismissal provided by the statute. In the last two instances only has there been any serious attempt to suggest oppressive treatment by Mr. Crawford, and in neither was there anything which even approaches to extortion. The Commissioners held in Vinzé's case that the suggestion was "altogether unfounded," and in Támbé's case, that "as to the allegation that he was driven to give a bribe by being transferred and superseded, we find it to be groundless." All these seven persons must accordingly be dismissed as proposed.

7. In your telegram of the 25th August you reported the names of the following seven officials as also liable to dismissal:—

(8) Moro Raghunáth Bivalkar.
(9) Vasudev Rámchandra Patwardhan.
(10) Sakhárám Chimnáji Joshi.
(11) Káshináth Vináyek Bháve.
(12) Mahadev Keshav Kumthekar.
(13) Ramrao Hanmant Rájguru.
(14) Janardhan Eknath Sahasrabuddhe.

All these persons received guarantees, but only two of them, (12) M. K. Kumthekar and (8) M. R. Bivalkar, gave evidence before the Commission. Regarding the rest, the Government of India are not in possession of any evidence on which they can come to a decision as to the category in which they should be classed. As regards (12) Kumthekar, his own statements, recorded at page 19 of the evidence before the Commission, show conclusively that he gave money willingly to obtain an appointment and confirmation as mamlatdar, and he must undoubtedly be dismissed. (8) Bivalkar's case was not proceeded with at the inquiry, and his evidence in Drávid's case, printed at page 180 of the record, is not altogether conclusive. The Government of Bombay should proceed to deal with his case, as well as with those of any others who did not appear before the Commission, on such evidence as may be in their hands. Those whom his Excellency in Council may find to have made voluntary payments should be at once dismissed. Those cases in which the payment is held to have been virtually extorted should be reported for the information of the Government of India, together with the grounds on which such conclusion has been arrived at. It will be necessary, however, that the names of any persons dismissed by the Government of Bombay should be reported, in order that they may be included in the proposed Act of Indemnity against suits and prosecutions.

 8. In

8. In the last sentence of your telegram of the 25th August, his Excellency in Council asks whether the Government of India desire that, before actual dismissal, the defence should be taken of each official who has confessed to payments. In reply, I am directed to say that this question must be determined with reference to the special circumstances of each case. Where, either before the Commission, or on any other occasion when his evidence was recorded, an incriminated official has made a clear statement of facts upon which the Government can come to a decision, as to whether he should be classed in the first or the second category of the Despatch of 3rd May, it does not appear to the Government of India necessary or desirable to make any further inquiry; the evidence already available, by which the Government of Bombay were guided in making their recommendations to the Secretary of State, will, in the large majority of cases, probably be found sufficient. Where, however, the circumstances and motives of the payment are not clear, some inquiry may be necessary, but it should be limited to these points. The Governor General in Council has dealt with the cases already submitted to him upon these principles.

9. Lastly, it will be for the Government of Bombay to propose, for the orders of the Governor General in Council, the grant of such compensation to the dismissed officials as they think called for. The circumstances of each case should be fully stated, so as to enable the Government of India to arrive at a decision.

I have, &c.
(signed) *C. J. Lyall*,
Officiating Secretary to the Government of India.

Enclosure No. 7, in No. 33.

TELEGRAM, dated 16th September 1889, from Government of Bombay, Poona, to Home Secretary, Simla.

IN accordance with instructions contained in your letter, No. 1251, dated 2nd instant, this Government have directed removal from public service of Dabir, Bapat, Khasnavis, Dravid, Paranjpe, Vinze, Tambe, and Kumthekar, with effect from 18th instant.

Enclosure No. 8, in No. 33.

From Chief Secretary to the Government of Bombay, Revenue Department, to the Secretary to the Government of India, Home Department, Simla.

Sir, Bombay Castle, 17 September 1889.

As desired in your telegram, No. 1179, of the 21st ultimo, and as has been promised in my telegram of the 25th idem, I am now directed to forward, for the consideration and orders of the Government of India, a list of the native officials who, in the opinion of the Governor in Council, after full consideration of their cases, should be placed in the second class referred to in paragraph 2 of the Despatch of this Government to the Secretary of State, No. 21, dated 3rd May 1889, together with a further list of officers whose cases admit of some doubt, but who, the Governor in Council thinks, may properly be admitted by the Government of India to the second class on the understanding that this Government will provide them with non-judicial employment in other Departments than the Land Revenue.

2. On receipt of orders to that effect from the Secretary of State the officers exercising magisterial powers who appeared to have admitted voluntary payments for official favour were suspended from magisterial functions. The Commissioner, C. D., was directed to inquire specially into their cases, and more generally into the character and fitness for office of the other mámlatdárs serving in his division. After consulting the collectors of the districts the Commissioner submitted a series of reports on the subordinate officials, on an appreciation of which this Government for the most part grounded the decisions tabulated

tabulated in the printed statement of which a copy has already been supplied to the Government of India. I am now directed to furnish copies of the reports submitted by the Commissioner on the officers named in paragraphs 3 and 9 of this letter, and concerning Mr. R. G. Mangrulkar, mentioned in paragraph 15.

3. The following are the native officials who should, the Governor in Council considers, be placed in the second class:—

(1) Lakshman Moreshwar Deshpánde.
(2) Bhagwant Bálwant Pradhán.
(3) Lakshman Chintáman Phadke.
(4) Rámchandra Yashwant Chaubal.
(5) Bálkrishna Govind Sindekar.

4. *Lakshman Moreshwar Deshpánde*, a B. A. of the Bombay University, and now serving as a mámlatdár, entered the service in 1880. Whilst serving in August 1886 at Násik Deshpánde was transferred to Pimpalner, a notoriously unhealthy táluka in Khándesh. Surprised at this, as he had only been serving for a few months at Násik, he went to Poona to see Mr. Crawford, taking with him a note to that officer from his collector, Mr. Woodward. On his arrival at Poona Hanmantráo sent for him. He refused to go to see Hanmantráo, but subsequently meeting him at a friend's house, was charged by him with having spoken evil of Mr. Crawford's régime, and tauntingly asked him when he was going to Pimpalner, where he was being sent as a reward for his having kept aloof from the purchase system. Deshpánde then went to Mr. Crawford's house, where he found Hanmantráo, who showed him a letter in which he was mentioned as a suitable candidate for the post of deputy collector. He saw Mr. Crawford, and a few days after was appointed to act for a month as native assistant to the Commissioner. Whilst so acting he was gazetted sub. *pro-tem.* second-grade mámlatdár, and was shortly afterwards called upon by Hanmantráo to pay 1,000 rupees for his acting and sub. *pro-tem.* promotions, the latter of which, however, gave him no increase of pay. He refused to pay anything. When his acting appointment in the Commissioner's office came to an end Hanmantráo again renewed his demand for money, calling on Deshpánde to pay at least 500 rupees, and threatening that if he declined to comply he would suffer. On this, seeing from his brief experience in the Commissioner's office how powerful Hanmantráo was, Deshpánde yielded in despair and gave Hanmantráo 500 rupees. The reports of the officers under whom Deshpánde has served are favourable to him. Messrs. Robertson, Woodward, Vidal, and Plunkett all entertained a high opinion of Deshpánde, and the present Commissioner, Mr. Moore, under whom as Collector of Poona Deshpánde served as mámlatdár, stated that he had "a very high opinion of him both intellectually and morally," and that his confidence in him is undiminished.

The facts thus summarised convict Deshpánde possibly of a want of manly firmness and courage, but not of any gross depravity. They afford ground for supposing that he might prove unequal to the strain of an extraordinary responsibility, but not for considering him unfit for the ordinary work of the administration. His superiors think very well of his abilities and integrity, and his removal would probably be a loss, not a gain, to the public service.

5. *Bhagwant Balwant Pradhán*, now employed as a mámlatdár, entered the service in 1867. In 1886 he was acting as mámlatdár in place of an officer employed on forest duty. At the time he held the substantive post of head kárkun, and was second on the list of non-graduate candidates for a mámlat. Having long been a head kárkun, acting occasionally for short periods as mámlatdár, he was desirous that his claim to substantive promotion should not be overlooked. Taking, therefore, a month's leave he went in July 1886 to Poona and called at Mr. Crawford's house three or four times, but could not gain admission, and was finally told by one of the peons that he could not obtain an interview with Mr. Crawford save through Hanmantráo. Pradhán consequently went to see Hanmantráo, and was told that unless he was prepared to follow the general example and pay there was no chance of his claim being recognised. Eventually, with reluctance, Pradhán assented to pay 1,500 rupees,

and was then introduced to Mr. Crawford by Hanmantráo. The money was subsequently paid by Pradhán, who, in August 1886 was appointed to be sub. *pro tem.* mámlatdár. In the circumstances the case must be regarded as one of extortion and not of voluntary corruption. The moral turpitude of Pradhán in yielding to the pressure put upon him was but slight; he was in no way a volunteer, and submitted with reluctance to what he felt to be a dire necessity. Mr. Waddington, the collector under whom Pradhán last served for nearly three years, states that "he is a man of much intelligence, and that he regarded him as one of his best men, and as exercising a considerable influence over the people in his charge." Mr. Moore, the Commissioner, C. D., considers Pradhán is not to blame, and was merely the victim of circumstances.

6. *Lakshman Chintáman Phadke* is a L. C. E. of the Bombay University, and is now serving as mámlatdár. He entered the Government service in 1880. Being in 1886 sub. *pro-tem.* Mámlatdár of Shrigonda, he held aloof from the system of corruption of which through rumour he must have been cognisant. As his reward he saw five juniors pass over his head into the post of probationary mámlatdár. In February 1887 he found himself transferred to the unhealthy táluka of Khatáv, in the Sátára District, and merely as acting mámlatdár, at a considerable reduction of salary. Kázi Abbás was a well-known agent of Mr. Crawford. To him Phadke resorted, and introduced by him he paid 500 rupees to Mr. Crawford. Next month, *i.e.*, in March 1887, he was raised at once to a probationary mámlatdárship. Perhaps he was thought not to have been so substantially grateful as he ought to have been. However that may be, the occasion was taken of his having acted with some slight, though not at all unjustifiable, rigour towards negligent village accountants in the táluka of Shrigonda to suspend him. Mr. Crawford even expressed a doubt whether he was fit to be a head kárkun. This portended absolute ruin; but the mischief was not irremediable. He resorted once more to Kázi Abbás, and again introduced by him he paid 1,500 rupees to Mr. Crawford. Thereon the man who had been thought hardly fit to be a head kárkun was advanced to a substantive mámlatdárship, that of Jámner in Khándesh, which post he still holds. This seems to be as clear a case of extortion (accepting the truth of the statement on which Phadke's culpability rests) as can be conceived. Phadke no doubt sought out Kázi Abbás on each of the two occasions on which he paid money, but only after a severe, and to an ambitious man an agonising, pressure had been put upon him. He was told by acts if not by words that he must pay money, and he paid it to escape a crushing injury. His conduct was weak and foolish, but he paid in order to be relieved from a suspension which the Commissioner by his subsequent conduct admitted was unjust. There was much in his circumstances, in his apparent helplessness, to extenuate his fault. That he acted wrongly in making any payment cannot be denied, but he only paid under compulsion, when he found himself repeatedly superseded, suspended for inadequate reason, and threatened with utter disgrace and the loss of all his prospects.

7. *Rámchandra Yashwant Chaubal* entered the service in 1879, and is now a mámlatdár. His case presents another instance of gross extortion. Chaubal, whilst holding the substantive appointment of head kárkun, was in August 1887 sub. *pro-tem.* Mámlatdár of Báglán. He was ordered back to his post of head kárkun. Being thus placed below junior men he sought out Mr. Crawford, who gave him fair words but no redress, beyond being retained as an acting mámlatdár at Báglán. In October 1887 he was sent to act as mámlatdár at Jalgaon. While there he found that a junior was appointed over his head to a substantive post as mámlatdár. He saw Mr. Crawford again and was again put off with fair words. After some time he once more sought Mr. Crawford at Poona. He could not obtain any definite promise from him, and was leaving the house when Hanmantráo, who had taken part in a previous interview, assailed him with the suggestion that promotion was hopeless unless paid for. Chaubal had but too much reason to believe this was true. Corruption was in the air, and Hanmantráo was its known minister. Chaubal agreed then to pay 1,500 rupees for a substantive appointment as mámlatdár. He gave Hanmantráo 500 rupees on account about the end of June 1888, but the suspension of Mr. Crawford in July 1888 brought the transaction to an end, and Chaubal never obtained the post for which he had bargained. He has since been appointed

Mámlatdár of Pandharpur, but of course not in consideration or in consequence of the bargain with Mr. Crawford through Hanmantráo, which, as has been shown, proved abortive. Chaubal is a man of good ability and respectable antecedents, in whom the collector of Sholápur, under whom he was serving until June last, had full confidence. It appears from the report of the Commissioner that his disappointments and supersessions were purposely designed to humble him in consequence of his having as chitnis, or native secretary, honestly advised the collector of Sátára to oppose the Commissioner in the matter of a Deshmukh's watan. Supported as it is by a concurrence of independent facts, there is no reason to doubt the substantial truth of Hanmantráo's statement on this subject, which by Chaubal's example shows how a general reign of terror was established in the Central Division. Even strong men yield to an imposing personality, to a powerful and widespread influence. Chaubal having himself no purpose but what was innocent, was made to feel how irresistible were the toils in which he was entangled. He was wrong, and consciously wrong no doubt, in succumbing to the pressure put upon him; but it was the collapse of a victim placed on a moral rack. It indicated no extreme or voluntary baseness.

8. *Bálkrishna Govind Sindekar* entered the service in 1877 and has now risen to the rank of Mámlatdár. He has won the good opinion of the officers under whom he served in proportion as they were acquainted with his work. After a rather unusually long term of service at Peint, a residence at which place is regarded as a kind of penal banishment, he was transferred to Chándor as sub *pro-tem.* mámlatdár. In spite of his high character and marked ability, he had to endure the pain of being superseded by juniors no less than eight times. Finally an order was issued for his transfer to Jávli, a notoriously unhealthy and disagreeable táluka in the Sátára district, without any recompense in the way of promotion. Under these circumstances he had recourse to Hanmantráo, whose function, as Mr. Crawford's agent, was notorious throughout the Division. Hanmantráo made him understand that if he desired to avoid the impending evil, or even to escape degradation, he must pay money. Thus pressed he paid Hanmantráo 2,000 rupees on account of Mr. Crawford, and thereon was allowed to retain his position at Chándor. That position, it is quite clear, he did not directly or indirectly purchase. He paid money simply to buy off the injury of removal. In doing this he behaved with criminal weakness; but he yielded only after a severe trial of his constancy to an influence which hardly any of his class seem to have been able to resist. He has virtually been mulcted of 2,000 rupees, and his position remains precisely what it was. His superiors have a high opinion of his ability and integrity. He cannot indeed be acquitted of serious culpability, yet it is plain that he looked on himself as helpless and he must be regarded as a weak and foolish victim of extortion and not as a willing accomplice in an act of corruption. His view was no doubt a false one, but his behaviour does not imply any gross ineradicable baseness such as to unfit him for the duties of a mámlatdár, or for retention in the service of Government.

A guarantee was formally given to this officer, as also to Messrs. Deshpánde, Pradhán, Phadke, and Chaubal, and they are, in the opinion of the Governor in Council, entitled to the benefit of it.

9. The cases concerning which some doubt was entertained by the Governor in Council, but which on careful reflection he considers should be recommended for inclusion in the second class, are those of—

(1.) Devráo Kacheshwar Chincholikar.

(2.) Ganesh Pándurang Thakár.

(3.) Wáman Dáji Nagarkar.

(4.) Vishnu Raghunáth Kelkar.

(5.) Vithal Tikáji Uplap.

10. *Devráo Kacheshwar Chincholikar* is now a mámlatdár, having joined the service in 1862. When Mámlatdár of Amalner in the Khándesh District he received an order in June 1887 directing his transfer to the unhealthy táluka of Peint. As the monsoon had then broken it was not possible for him to

remove his wife, who was at the time pregnant, and his young children to Peint, and he had no one to take charge of them in his absence. From general rumour he was aware that such transfers were directed merely with a view to extort money, and that the object of the order in his case, as in that of others, was to compel him to pay to escape a most unpleasant and inconvenient move. Accordingly he went to Poona, visited Hanmantráo who was well known to be the chief instigator of such orders and inquired why he was transferred, mentioning the circumstances of his case and that he had committed no fault. It was then explained to him what was intended and wanted. A demand for payment to escape the transfer was pressed and eventually Chincholikar agreed to pay 1,500 rupees, with the result that he was not moved to Peint but remained at Amalner until October 1887, when he was transferred to another táluka in Khándesh. Chincholikar doubtless was aware that in thus paying money to Mr. Crawford's agent he was acting wrongly, but from his own point of view, which was not an unnatural or wholly unreasonable one, the moral turpitude of his conduct was of the slightest. He felt himself the victim of an organized and relentless system of extortion, against which it was vain for a man in his situation to struggle. He thought he was buying, and regarded himself as forced to buy, relief from a gross wrong. He sought no undue promotion, no unfair advantage. His way of viewing the matter cannot be approved, but it can be understood and in some measure excused. Of Chincholikar his collector writes that he has always borne a good character for honesty, that he is a man of fair ability but wanting in firmness, and that his work has been satisfactory. The late Commissioner, Mr. Robertson, and the present Commissioner, Mr. Moore, also speak well of his character and his work.

11. *Ganesh Pándurang Thakár* is a B. A. of the Bombay University, who, having entered the service in 1877, is now a First Grade Mámlatdár.

The case of Ganesh Pándurang Thakár may be regarded as one wherein he was forced or cajoled into lending 1,000 rupees to Mr. Crawford. He is a man who has won golden opinions from his superiors, and it is evident from his example how easy is the transition from unostentatious borrowing to systematic extortion. Thakár visited Mr. Crawford in order to solicit a place as Deputy Collector or Forest Settlement Officer. He had every reason to expect success, and he in fact experienced a most encouraging reception. But at the close of the interview, Mr. Crawford announced that he was in want of cash, and asked Thakár to supply him with 1,000 rupees. Thakár thus taken at a disadvantage had not the moral courage for a distinct unqualified refusal. Hanmantráo was in the next room, and Thakár was directed to pay the money to him. After a few days he did so. He has not obtained either of the posts he coveted. Whether a loan asked for and agreed to after a dispenser of patronage has promised his favour can be considered payment for promotion may admit of question. It is at any rate a transaction bordering so closely on direct corruption that it must be severely condemned. But in the circumstances of Mr. Thakár's case may be found a palliation which greatly diminishes the moral turpitude of his conduct. The suddenness and the specious form of the demand, his apparent helplessness, and the alluring prospects held out to him, all tended to obscure the immoral character of the transaction. He did not obtain the post he sought, and his offence hardly exceeds a grave indiscretion. His former high character and the confidence of his superiors warrant his continued employment in the service of Government.

12. *Wáman Dáji Nagarkar* is a L.C.E. of the Bombay University, entered the service in 1879, and is now a mámlatdár. He was Mámlatdár of Cháudor when in April 1887 he was transferred to the Mával Taluka in the Poona District. The head-quarters were at Khadkála, a very unhealthy town. Nagarkar fell ill there and was naturally anxious for an exchange. He appealed to Hanmantráo, who suggested that as the Commissioner was short of money a loan of 500 rupees would be welcome. Nagarkar did not for some time assent, but at last he gave way and paid 500 rupees to Hanmantráo in May 1887. As the head-quarters of the táluka were just then removed to Vadgaon, which is a healthy town, Nagarkar no longer so much needed a transfer, but at the end of May 1887 he was gratified to find himself promoted over many seniors. He still however desired another táluka. He went to Hanmantráo again, who insisted on the advantages of Vadgaon and even threatened Nagarkar with reversion

reversion to a lower grade unless he paid 500 rupees. He paid it and was soon afterwards confirmed in the third grade to which he had been provisionally promoted. It is clear that Nagarkar did not purchase any place with the money he expended. He did not obtain the change of station that he desired. He is at present mámlatdár of a táluka in another district, a post with which his payments had nothing to do. His conduct in once and again yielding to Hanmantráo's instances was highly culpable, yet the first advance was made by Hanmantráo in an insidious way, which it was not easy to resist. The second occasion was, according to Nagarkar's description of it, one of coarse and brutal extortion. Nagarkar ought not to have yielded to Hanmantráo's demand. He succumbed through weakness and timidity, but these are conditions of native character on which we have to count throughout our administration. No doubt it is necessary, as a rule, to encounter terror with terror, and to punish, so that intending evil-doers may be more afraid to sin than not to sin. Here, however, the alleged grosser and more pernicious malversation of a great official was to be revealed and made punishable only through indulgence to the slighter offenders whom he directly or indirectly had constrained or cajoled into error. Nagarkar parted with his money under the pressure of what he, however wrongly, esteemed *vis major*, and therefore does not merit so severe a censure as some of his fellows. His acts do not imply any general insensibility to moral obligations, only an undue and cowardly estimate of the necessity and risk to which he was exposed. His general character for ability and integrity stands high. His superiors have perfect confidence in him. He stands not below but above the average of his class.

13. *Vishnu Raghunáth Kelkar* is a L.C.E. of the Bombay University, entered Government employ in 1879, and has reached the rank of mámlatdár. Early in 1887 he was Mámlatdar of Ahmednagar. He had in spite of his good character and recognised abilities been twice superseded by juniors. He had been harrassed with frequent and expensive removals. He was induced by representations made to him to proceed to Poona, and there to pay a visit to Hanmantráo, who had already some months before advised him that 500 rupees might be well laid out in avoiding vexation and perhaps degradation. The suggestion was now repeated, and Kelkar's intermediate experience led him to accept it. He paid 500 rupees to Hanmantráo on account of Mr. Crawford, to cultivate favour and escape official torture. In January 1888, Kelkar was appointed Mámlatdár of Shevgaon, and was incidentally placed in one of the few magisterial posts attended with an extra emolument of 40 rupees a month. Soon afterwards he received an intimation that a further payment on his part would be agreeable, and he paid 300 rupees to Hanmantráo. It is clear that no place was purchased by this officer. He paid money in order to escape the expense and harrassment of frequent removals. He paid money, too, after he had obtained an increase of emoluments as a fee for favours enjoyed and perhaps expected without reference to a particular post. His conduct was weak and culpable. He ought to have denounced attempts at extortion, which disgraced the administration, instead of yielding to them. Yet it must be acknowledged that any step he might have taken in this direction would have been attended with peril. Specious reason could have been found, as they can always be found, for the transfers which he thought injurious. The identification of Mr. Crawford with Hanmantráo could not be easily proved beyond question. Kelkar could not depend on the honesty, firmness, and constancy of witnesses of his own race in the presence of a great official and of the interests that had grown up under his influence. Kelkar might have simply accepted his fate, travelled to and fro from mámlat to mámlat as he was ordered, and suffered for conscience' sake. Such an endurance of official martyrdom is conceivable, but it implies an ideal rather than a practical standard of character. An administration must of necessity break down which is based on the assumption that a mass of functionaries can be found readily susceptible to all the good influences brought to bear on them by their superiors, yet absolutely insusceptible to evil influences. Pliability of character is an essential ingredient in the special capacity which makes native subordinates efficient in giving effect to foreign ideas in the details of administration. The native officials have, and needs must have, the defects of their virtues. Viewed from a practical standpoint, the offence of Kelkar, though not to be passed over without censure, is still not such as to

disqualify him for employment in the public service. It implies no gross depravity, such as would probably manifest itself in other directions, in dishonesty, injustice, or personal corruption. Finding corruption almost universally prevalent in the Division in which he served, and having had his own helplessness brought home to him in the most convincing way, Kelkar failed to show a high and magnanimous courage. He is to be condemned for this but not to be ruined. All the officers under whom he has served have thought highly of Kelkar.

A guarantee was formally given to this officer, as also to Messrs. Chincholikar, Thakár, and Nagarkar, and they are, in the opinion of the Governor in Council, entitled to the benefit of it.

14. *Vithal Tikáji Uplap* is an officer of many years' service, and was regarded as one of the ablest and most competent mámlatdárs in the Central Division. Some few years ago he was appointed Kárbhári of the Akalkot State in the Sholápur District, of which the chief was a minor. Whilst so employed at Akalkot he was implicated, not as a principal, but as his master's agent (as will appear from the chief's letter of 22nd July last, copy of which is annexed), in the payment by the chief of the alleged bribes to Mr. Crawford or his agent Hanmantráo, which were reported in my letter to the Government of India, No 202 A, dated 16th November last. The facts of the case were as stated in that letter, and in the papers appended to the Despatch of this Govenment to the Secretary of State, No. 9, dated 15th March last,* bearing on the Akalkot case, of which copies have already in the ordinary course been furnished to the Government of India. I am now to submit herewith a copy of the statements made by Vithal Tikáji to Mr. Lee-Warner, and of that gentleman's note on the case. I am to add that the Commissioner and Collectors under whom Vithal Tikáji has served have been favourably impressed with his conduct and character. His conduct is certainly reprehensible, but he cannot be placed in the first category, as there is no evidence to show that he took any initiative in securing promotion or favour on his own behalf by the payments made for a different purpose in which he ought not to have acquiesced. No guarantee was given to Vithal Tikáji.

15. Of the inculpated officials, Messrs. *Rámchandra Govind Mangrulkar* and *Vishnu Bápuji Soman* have now retired on the pensions to which they were entitled under the rules. In the opinion of this Government they are entitled to indemnity under the enactment about to be passed.

Mangrulkar entered the service in 1868, and eventually attained the rank of Mámlatdár. Whilst holding that office in 1886 in the Málsiras Táluka of Sholápur, he was suddenly transferred to Pátan, a notoriously unhealthy station in the Sátára District. He went to Poona, and having been introdueed by Kalavde to Hanmantráo, he was by the latter taken to an interview with Mr. Crawford. Mr. Crawford was apparently deaf to Mangrulkar's remonstrances, but he asked him for a loan of 1,500 rupees. Mangrulkar agreed to furnish this accommodation to the Commissioner. A few days afterwards he paid the money to Kalavde on account of Mr. Crawford, and his projected transfer to Pátan was annulled. After this induction into the prevailing system he was probably thought a good subject for further extortion. In December 1886 he received a message from Kalavde that promotion could be obtained for money, but not otherwise. He was thus induced to give another sum of 1,500 rupees through Kalavde, in return for which he received the appointment of Mámlatdár of Sholápur.

The position held by Mangrulkar in relation to the general system of corruption in the Central Division appears to have been an intermediate one between that of a pure volunteer seeking to profit by the prevailing wickedness and that of a simple victim chargeable only with culpable weakness of character. In the first instance he yielded to a direct solicitation on the part of the Commissioner for a loan, and he might have been able to reconcile his conscience to the assent he gave by the specious excuse that there was no gift, and no consideration distinctly promised for the loan. On the second occasion, however, though no doubt exposed to some temptation, he did not, as at first, pay money to avoid a wrong or hardship, but to gain an advantage. He stepped out of his way to buy promotion, and thus placed himself in a baser class than that to which

* *See* pp. 247–9 of Command Paper, No. 5701 of 1889.

which he could have been assigned before. Mangrulkar thus showed himself ready in some measure to sacrifice principle to ambition, although he probably salved his conscience with the plea that he was doing only what all had to do who would avoid official injustice, and that the loss or outlay of his money was his own affair. Of his general character different views appear to have been held, but the opinions of those who had most opportunities of knowing him are the most favourable. He appears to have been a distinctly capable, and, apart from these particular transactions, on the whole a meritorious officer. He was granted a formal guarantee. He did not appear as a witness before the Commission.

Soman, who retired on his pension some eight months ago, was also granted a formal guarantee, and was examined as a witness. No report regarding him similar to those supplied concerning other Mámlatdárs was furnished by the Commissioner, C. D., as he had retired before the inquiries were ordered to be instituted, but during his long career in the Government service he bore the reputation of being an efficient and competent officer. Soman's case was discussed at length in the Honourable Sir R. West's Minute on the Report of the Commission (paragraphs 65—71),* of which a copy was forwarded to the Government of India, and to which I am to solicit reference. The conditions on which the guarantee was granted to him were, in the opinion of this Government, satisfied by Soman.

16. The inquiries into the cases of about ten officials implicated or suspected are not yet completed, as the full reports called for on various points touching their behaviour and character have not yet been received. Regarding these officials such further communication as may be deemed necessary will be addressed hereafter to the Government of India.

17. In paragraph 6 of your letter No. 1251, dated the 2nd instant, it is stated that on consideration of the statements made by them at the inquiry held by the Commission, the Government of India, finding itself in a position to pass orders, is of opinion that the seven persons named in my telegram of the 23d ultimo have incurred the penalty of dismissal provided by the statute, and it is remarked that "all these seven persons must accordingly be dismissed as proposed." A similar conclusion is arrived at in respect of M. K. Kumthekar, one of the seven officials named in my telegram of the 25th ultimo, whilst as regards the remaining six persons mentioned in that telegram, it is observed that this Government should proceed to deal with their cases on such evidence as may be in its hands, and "those whom His Excellency in Council may find to have made voluntary payments should be at once dismissed," or, as stated in your telegram of the 30th ultimo, to "determine whether their payments [were] voluntary or extorted, and either dismiss or report accordingly." The six officers in question are:—

(1) Moro Raghunáth Bivalkar.
(2) Vásudev Rámchandra Patvardhan.
(3) Sakhárám Chimnáji Joshi.
(4) Káshináth Vináyak Bháve.
(5) Rámráo Hanmant Rájguru.
(6) Janárdan Eknáth Sahasrabudhe.

I am now desired to furnish a statement of the case of each of these officers so far as the information before this Government goes, and it will be for the Government of India, on consideration of the circumstances, to decide whether these officers, or any of them, should be dismissed.

18. *Moro Raghunáth Bivalkar* entered the service in March 1875, and is now a Second Grade Mámlatdár. Except for a short period in 1886 he was on special duty from February 1885 to July 1888. In February 1885, when substantive Mámlatdár in the Sátára District, he was first placed on special duty, being then a Third Grade Mámlatdár. In November 1886 a junior officer in the fourth grade was promoted over his head into the second grade. In January 1887 he was again superseded by another junior officer. Disheartened at

* *See* pp. 144–5 of Command Paper, No. 5701 of 1889.

at such treatment, he instituted inquiries as to its cause, and then ascertained that promotion, even if merited by seniority and good service, could only be obtained by purchase. He accordingly paid 500 rupees to Hanmantráo to avoid further loss of promotion, and in September 1887 was raised to the second grade. A high opinion was entertained of Bivalkar by the late Commissioner, C.D., Mr. Robertson, and by the Collector of Sátára, Mr. Keyser, under whom he last served.

19. *Vásudev Rámchandra Patvardhan* joined the service in February 1876, and is now a Second Grade Mámlatdár. In July 1886 Patvardhan was Mámlatdár of Bhusával in Khándesh, where he had been stationed for two years. He suffered from diabetes, and the Railway Surgeon advised him that a change to a cooler climate was necessary in the interests of his health. His brothers and his brother-in-law, V. G. Deshmukh, one of Mr. Crawford's agents, were at the time employed in Poona, and to them he wrote on the subject of an exchange to a cooler district. In reply, he was informed by Deshmukh that he could obtain a transfer to Poona if he was willing to pay for it. To benefit his health he consented to pay, and was consequently moved to Poona. For this favour he gave Hanmantráo, through Deshmukh, the sum of 900 rupees from his savings, paying the money by two instalments. The character, conduct, and official efficiency of Patvardhan are very favourably reported upon by the Collectors and Commissioners under whom he has served.

20. *Sakhárám Chimnáji Joshi* entered the service in August 1872, and is now a Third Grade Mámlatdár. In 1886, whilst holding the substantive appointment of Mámlatdár of Junnar in the Poona District he was placed on special duty as Income Tax Mámlatdár for the City of Poona. This duty came to an end on 31st July 1887, and he then took leave for two months. In the meantime in March 1887 whilst still engaged on special duty he was given as his substantive appointment the mámlat of Báglán in the Násik Collectorate, and in the ordinary course of things would have had to join at Báglán on 1st October 1887. Fearing, however, the effect on his health of the cold and insalubrious climate of Báglán he placed himself whilst still at Poona in communication with Anant Bhat Pálande, one of Mr. Crawford's agents, and asked him how he could avoid the transfer to Báglán, mentioning also that he had been twice suspended. After an interview with Mr. Crawford, Pálande informed Joshi that if he paid 1,000 rupees he would be posted to a good táluka. Joshi assented and paid the sum demanded in two instalments, giving 200 rupees from his own savings, and borrowing the balance from a banker in Poona. A few days after payment of the first instalment he received through the Collector a note from Mr. Crawford desiring him to call on that officer. He visited Mr. Crawford accordingly without delay at his bungalow, and was asked what táluka he would prefer. He mentioned Sásvad, and was promised that táluka. A few days later he was gazetted to be Mámlatdár of Sásvad on 8th August 1887. He did not, however, join at Sásvad as he was then on leave, and before his leave expired his appointment to Sásvad was cancelled, and he was posted to Jalgaon in Khándesh. He again visited Mr. Crawford to remonstrate against this transfer with the result that in October 1887 he was appointed to Poona, where he remained until he was moved to Pandharpur in Sholápur in January 1888. All the officers under whom Joshi served entertained a high opinion of his character and ability.

21. *Káshináth Vináyak Bháve* acted first as Mámlatdár in 1883 and was appointed sub *pro-tem.* Mámlatdár in 1886 by the late Commissioner Mr. Robertson. In the middle of the latter year he found that junior men were passing over his head, and heard the prevalent report that under Mr. Crawford's *régime* promotion could not be obtained without payment. He went to Poona for a day or two in August to make inquiries amongst his friends, in whose number was included Deshmukh, and in reply to a question as to what course he should adopt to protect himself from further loss Deshmukh informed him that unless he paid money he could not expect to be confirmed as Mámlatdár, and that 1,500 rupees was the price. Bháve answered that he could not pay so large a sum, and must do without the appointment for the present. Deshmukh then said Bháve might pay 1,000 rupees at once and 500 rupees afterwards when he could afford it. To this arrangement Bháve assented, and shortly afterwards paid 1,000 rupees. As a result he was early in November 1886 gazetted

gazetted as Probationary Mámlatdár. The same month Bháve was transferred from the Poona District to Sávda in Khándesh. Disliking the climate of Sávda, and desiring further promotion he entered into further negotiations with Deshmukh, who had in the meantime been posted to Ahmednagar as treasurer, and to secure a transfer and a rise in grade he paid Deshmukh, who was all along one of Mr, Crawford's agents, a further sum ot 500 rupees. In September 1887 after this payment Bháve was promoted in grade, still remaining at Sávda untill January 1888 when he was transferred to Poona, but on arriving at Poona was not allowed to take over charge, and was directed to join at Shrigonda in the Ahmednagar District which he did. Bháve is favourably reported on by the Collector of Ahmednagar under whom he last served for about 18 months, but the present Commissioner, C.D., states that he is rumoured to be corrupt.

22. *Rámráo Hanmant Rájguru* joined the service in October 1876, and now holds the office of Deputy Chitnis at Sátára. At the close of 1886 whilst he was officiating as Mámlatdár of Válva in the Sátára District he went to Sátára for the Christmas holidays and there met his grandmother who told him that she had had an interview with Hanmantráo at Poona when she had asked him if he could obtain a substantive mámlat for Rámráo, and was told that on payment it could be done. Rámráo informed her that he had not the money to pay, but that if she desired she could pay. At the end of January 1887 Rámráo reverted to his post of Deputy Chitnis, but in a few days was again appointed to act as Mámlatdár, and whilst so serving at Tásgaon in April 1887 again saw his grandmother who informed him that she had already paid Hanmantráo 1,000 rupees, and had promised to pay a second thousand, raising 950 rupees by pledging her ornaments, on Rámráo being confirmed as Mámlatdár. In September 1887 Rámráo went to Poona and saw Hanmantráo who corroborated what his grandmother had told him. Subsequently he saw Hanmantráo twice or thrice, and on the last occasion about 8th July 1888 told him that something must be done about the money. Hanmantráo replied that the money had been paid to Mr. Crawford, whereupon Rámráo visited Mr. Crawford at his house, and complained that his grandmother had paid 1,000 rupees to secure promotion for him and with no result. Mr. Crawford answered that if his grandmother wanted the money back she could have it, but it was not repaid, and a week later Mr. Crawford was suspended. The present Commissioner, C. D., reports favourably regarding Rámráo, but the Collector of Sátára states that he has no trust in him though he is a good worker.

23. *Janárdan Eknáth Sahasrabudhe* entered the service in May 1873 and is now a Fourth Grade Mámlatdár. In January 1887 whilst Mámlatdár of Wái in the Sátára District he was suspended by the Collector for having made a false statement when examined as a witness in the Sessions Court. Thereupon he went at once to Poona and saw Mr. Crawford, informed him of his suspension, and asked that his explanation might be received. Mr. Crawford stated that the report of the case had not been received. On a second visit to Mr. Crawford he was desired to go to the Commissioner's office. He did so and was there desired by the Assistant Commissioner who had received instructions on the point from Mr. Crawford to submit his explanation in writing, which he did. Afterwards he called a third time on Mr. Crawford, who told him that further information regarding his conduct had been called for from the Collector. Whilst at Poona he heard that he could get out of the difficulty in which he found himself by paying money, that Hanmantráo had influence with Mr. Crawford, and could get the matter thus settled, and that his own friend Deshmukh was also a friend of Hanmantráo. On this he entered into negotiations through Deshmukh with Hanmantráo, who said that a payment of 2,000 rupees would secure a favourable order in his case. He assented to pay, and did pay, this sum to Hanmantráo, and was told by the latter that his case would be decided in a few days. Thereupon he went to Ahmednagar, and soon afterwards was gazetted as Mámlatdár of Akola in that district. In March 1888 he was transferred to the Sangamner Táluka of the same Collectorate, and whilst there received a letter from Deshmukh stating that Hanmantráo required a further payment of 200 rupees, and that if the money was not given he might be transferred to a bad climate. In consequence of this threat he sent Deshmukh the sum demanded to be paid to Hanmantráo. The character and ability of Sahasrabudhe have been somewhat

variously estimated by the different officers under whom he has served, but though deemed by some to be a not altogether efficient Mámlatdár and Magistrate he is by none alleged to be corrupt.

24. I am directed to forward herewith copies of the statements made by these six officers to Mr. Ommanney or his assistants under the guarantee granted to them.

25. I am also desired to forward a copy of a petition bearing date the 6th instant, addressed to His Excellency the Governor by Yashwant Ballál Támbe, one of the seven officers named in my telegram of the 23rd ultimo, and with reference to it remark that, although no effect can be given to the requests preferred in it as regards an official placed in the first category, the Government of India might deem it advisable in case they think any other officials should be placed by them in that category to obtain from such persons a written explanation.

26. As bearing on the point of the compensation to be granted to an officer whom it has been decided to dismiss, it might be contended that the Commission did not credit the evidence given by him before it, that consequently that evidence was untrue, and that therefore the officer in question had failed to fulfil the conditions subject to which the guarantee was given to him. In such a view the Governor in Council is unable to concur. Vinze's case may be taken as a typical instance. The evidence given by him was not believed by the Commission. Taken alone it could not fairly be held to establish any case against Mr. Crawford. But if Hanmantráo's agency* and Kalavde's sub-agency are taken as established, then although it might be unsafe to accept Vinze's uncorroborated testimony as proving the charge in support of which it was given yet it is impossible to say that Vinze has misrepresented or concealed facts so as to have forfeited the guarantee given to him conditionally on his telling the truth. The Commission dwell on the improbability of such a report as that made by Mr. Crawford to Government on Vinze's conduct at Trimbak being the result of the payment of a bribe of 1,000 rupees. Mr Crawford, however, was bound to act with some degree of self-consistency. He had committed himself, impulsively perhaps, to a very strong opinion against Vinze, and he could not possibly absolve him from blame. He toned down Vinze's offence somewhat, and in his communication to Mr. Pendse he led the latter to suppose he had reported favourably of Vinze. This was in general terms communicated to Vinze, who was satisfied. The circumstances, though not such as to confirm Vinze's statement, are certainly not such as to disprove it. That statement might have been either disproved or strengthened in a material degree had the Commissioners allowed Vinze to recount his conversation with Kalavde, but this he was not permitted to do, nor was he allowed to put in a letter received by him from Kalavde, the general purport of which appears from page 25 of the Proceedings. It would seem that the Commissioners prevented a full disclosure of matters most pertinent as affecting Vinze's veracity by applying the most rigorous doctrine of exclusion as in a case of murder or treason. Vinze accused of having made false statements before the Commission could not with any show of justice be condemned before having an opportunity of producing the letter from Kalavde, of examining Kalavde as to it, and other relevant matters, and of questioning Hanmantráo as to what he knew of the affair. It is clear that though examined in a limited way, as a witness, he has had no opportunity of presenting his case as an accused. He must not be punished as for perjury unless there is an almost indisputable case of falsehood or suppression made out against him, and it is virtually impossible that that should be so when it is evident that in some (to him) material particulars he was not allowed to tell his whole story. He might urge not unreasonably that if he had given false evidence he should be prosecuted for it, and that until he was convicted he should be deemed innocent. It seems probable that if prosecuted Vinze would be acquitted. Kalavde if he contradicted Vinze would be confronted with his own letter, and probably would be quite discredited on cross-examination. Mr. Pendse would corroborate Vinze in important particulars. A conviction would then be impossible, and

* Hanmantráo has been convicted but not punished. Kalavde has been dismissed from the public service.

and Vinze's condemnation by Government as a wilful liar is impossible also. The case standing thus it cannot be held that Vinze has forfeited his guarantee. This case thus analysed may be considered as substantially a pattern of a whole class. The mere circumstance that the Commissioners in the case of any particular witness on such evidence as he was confined to by the artifice of counsel, or the rigour of the Commissioners, disbelieved what that witness said is a wholly insufficient ground for pronouncing him guilty of perjury. The test of perjury is a conviction.

27. With regard to the question of the compensation to be allowed to the Native officials who have been named for dismissal from Government employ by reason of their implication in the corrupt practices which obtained in the Central Division of this Presidency during the period for which Mr. Crawford held the post of Commissioner of that Division, I am directed to state that the Governor in Council proposes to place these officers in the event of their dismissal on a separate list (not as employés of Government), and to grant to each of them for the present a monthly stipend equal to the pay of which he is at present in receipt. When in the natural course the term of the dismissed official for promotion to a higher grade would arrive, had he remained in the service, his stipend will be raised to the amount of the salary payable to an officer in that grade. The augmentation of the stipend will thus gradually proceed until the dismissed officer would have attained to the highest grade of the rank in which he was serving when removed from the service, subject to the condition that as soon as the officer would, had he continued in Government employ, be entitled to pension, *i. e.* after 30 years, counting from the commencement of pensionable service or on his attaining the age of 55 years, he will be treated as if he had retired, and his stipend will then be reduced to the amount of the pension which under the rules would have been admissible to him.

In the event of one of these officers obtaining other employment or a salaried post, the rules under which officers are lent to Foreign service would, if in the circumstances of such employ this could conveniently be done, by analogy be applied to his case, and the payment of salary received by him in such employ would go in reduction or discontinuance of the stipend paid by Government, but he would still retain his pensionary rights. In making these proposals, the Governor in Council, I am to state, is influenced by the consideration that this Government is absolutely pledged to the grant of full pecuniary indemnity from loss to the officers to whom the guarantee was given.

28. In conclusion I am to state that the Honourable Mr. Pritchard, who joined the Government in May last, after action had been taken by this Government in the cases dealt with, is unable to concur in some of the conclusions arrived at by the Governor in Council.

I have, &c.
(signed) *J. Nugent*,
Chief Secretary to Government.

Enclosure No. 9, in No. 33.

EXTRACT from the Proceedings of the Government of India in the Home Department (Judicial), under date Simla, 28 October 1889.

RESOLUTION.

IN the letter of 2nd September last, the Governor General in Council accepted the view of the Bombay Government that the officials incriminated by the disclosures made in the course of the recent enquiry into the charges against Mr. A. T. Crawford might be divided into two classes. In the first class were to be included those who had either practically volunteered the payment of bribes to secure their own objects, to gain undue promotion, or escape the fruits of previous misconduct, or who paid money on but slight provocation or under slender temptation; and in the second class, those who only paid under extreme pressure, in order to avoid unmerited

degradation, unjust supersession, or ruinous transfers, or who gave money in despair and on repeated applications to prevent, as they believed, the blasting of their official careers. The Government of India considered that, while those who came in the first category must be dismissed without delay, compensation being given to such as had made disclosures under guarantee against loss, and who had fulfilled the conditions attached to that guarantee, those who fell in the second category need not necessarily be removed from the public service, and it announced its readiness to declare that those from whom payment of money had been virtually extorted had not beyond doubt incurred the disabilities enacted by the Statute 49 Geo. 3, c. 126, and need not be dismissed. In its letter, No. 6944, dated 17th September last, the Government of Bombay reported to the Government of India its views as to those officials who should be placed in the second category; and after carefully considering the circumstances of each case, the Governor General in Council has determined that Lakshman Moreshwar Deshpánde, Lakshman Chintáman Phadke, Rámchandra Yashwant Chaubal, Bálkrishna Govind Sindekar, Devráo Kucheshwar Chincholikar, Ganesh Pandurang Thakár, Vishnu Raghunáth Kelkar, Moro Raghunáth Bivalkar, Vásudev Rámchandra Patvardhan, Sakhárám Chimnáji Joshi, Janárdan Eknáth Sahasrabudhe, and Rámráo Hanmant Rájguru need not be dismissed from the public service.

ORDER.—Ordered, that this Resolution be published in the "Gazette of India."

Enclosure No. 10, in No. 33.

From the Officiating Secretary to the Government of India to the Chief Secretary to the Government of Bombay.

Sir, Simla, 28 October 1889.

I AM directed to acknowledge the receipt of your letter No. 6994*, dated the 17th ultimo (with Enclosures), submitting for consideration and orders (1) the cases of certain native officials incriminated by the disclosures made in connection with the enquiry into the charges against Mr. A. T. Crawford, and (2) proposals for the award of compensation to the officers who may be dismissed.

* Revenue Department.

A copy of a petition from Yashwant Ballál També, one of the officials already dismissed on the recommendation of the Government of Bombay, is also submitted with the remark that although no effect can be given to the requests preferred in it as regards an official placed in the category of those who volunteered the payment of bribes to secure their own objects, the Government of India might deem it advisable, in case it thinks any other officials should be placed in that category, to obtain from such persons a written explanation.

2. In reply, I am to say that the Commissioners' report on each case with which they dealt, the evidence recorded in their proceedings, your letter under acknowledgment and its Enclosures, and, where Sir Raymond West has referred to individual cases, the observations on them contained in his Minute, have been carefully perused by the Governor General in Council. It appears to His Excellency in Council that the incriminated officials who need not be dismissed may be divided into two classes, namely, men who paid under actual and extreme pressure, and men whose payments were made for some personal benefits or to avoid some evils, but yet do not clearly come within the purview of the Statute 49 Geo. 3, c. 126.

As regards the suggestion that each man to be dismissed should have a further opportunity of offering a written explanation, I am to point out that every person who has paid a bribe, even if he has not offended against the Statute has committed an offence under the Indian Penal Code. This being so, every such person has rendered himself liable to dismissal, and cannot claim to be reheard or formally tried as to the amount of pressure put upon him. Each official has either before the Commission, or in the inquiries which preceded its meetings, made statements inculpating himself. The statements made before the Commission have been formally weighed and examined by the Commissioners, and those which were made in the preliminary investigation by

by officers not called before the Commission may be accepted as true as against those who made them. If the circumstances disclosed in these statements appear in any cases to justify condonation, the offence can be condoned as an act of grace, but the Government of India is unable to countenance any further protracted inquiries in the matter. Should there be, however, any individual cases not yet decided in which the Bombay Government has become aware of any special extenuating circumstances, it is at liberty to bring them before the Government of India; and, on the other hand, it can withhold compensation from any of the men dismissed with regard to whom it can be affirmed that they actually spoke untruths before the Commission, and thereby violated the condition on which they received guarantees of indemnity.

3. With these preliminary remarks, I am to convey the orders of the Government of India regarding the case of each official mentioned in your letter under reply;—

(1.) Lakshman Moreshwar Deshpánde—The Commissioners did not wholly negative the view that he paid money to Hanmantrao under threats of ruin. They did indeed think his fear of Hanmantrao's influence over Mr. Crawford somewhat exaggerated, but it seems impossible to doubt that Hanmantrao was really regarded as Mr. Crawford's agent, and able to carry out his threats as well as to fulfil his promises. Deshpánde swears that he paid most reluctantly after repeated demands and threats, and the Governor General in Council accepts this view and the recommendation of the Bombay Government that he should be placed in the category of officials who paid only under extreme pressure in order to avoid unmerited degradation, or to ward off some other evil consequence. The Governor in Council should, however, endeavour to arrange that Deshpánde is not retained in any specific office for the sake of which he seems to have paid money, and this should be regarded as an essential principle in the case of every one of the incriminated officials who is allowed to remain in the public service.

(2.) Bhagwant Balwant Pradhán.—The Commissioners did not believe his story, nor the evidence of his witness Atmarám. According to Hanmantrao's version Pradhán's payments were made in order to secure promotion. If Hanmantrao's statement was true, Pradhán did not tell the whole truth, but whether judged by his own story or that of Hanmantrao, he comes within the first category. The Governor General in Council cannot accept the doctrine that his conviction that "unless he followed the general example and paid a bribe his claims would not be recognised," is enough to make the case one of extortion and not of voluntary corruption. It is evident that no one would pay for what he can obtain without paying, and on his own statements Pradhán clearly purchased his office corruptly. He should be dismissed.

(3.) Lakshman Chintámán Phadke—He appears to have first paid a sum of 500 rupees to procure the cancelment of an order involving his transfer and reduction, for which there does not seem to have been any justification. His second payment was made with a view to obtain favourable consideration of a complaint made against him to the effect that he had withheld the pay of certain village officers in order to induce them to submit their accounts without delay. In this matter he clearly acted *bonâ fide*, though perhaps from an excess of zeal, to enforce punctuality, and the Government of India cannot regard the charge against him as serious or one for which his suspension for three months was not ample punishment. In Phadke's action in this case the Governor General in Council is inclined to think that he was influenced by the fear of similar treatment to that experienced by him in the first case, which was one of virtual extortion. In consideration of this circumstance, and as it is questionable whether the case comes under the Statute, His Excellency in Council accepts the Bombay Government's recommendation that he should be placed in the second category.

4.) Rámchandra Yashwant Chaubal—His case appears to have been clearly one of extortion. He engaged, however, to pay 1,500 rupees if he could be confirmed as a mamlatdar, and he paid 500 rupees on account; but Mr. Crawford was suspended a week later, and he did not obtain what he had bargained for. He appears to be still a mamlatdar, and to avoid his holding a post for which he is legally disqualified, he should be transferred to some other appointment of equal emolument.

(5.) Bálkrishna Govind Sindekar—The payment made by him was in order to obtain cancelment of a transfer from the Nasik District, where his home is, and where he wished to remain. It is not clear that this is an offence against the Statute, and he may be excused from dismissal, but in the opinion of the Government of India he should be permanently debarred from serving in the Nasik District.

(6.) Devráo Kacheshwar Chincholikar — His case closely resembles Sindekar's, as he paid for cancelment of a transfer or to obtain a better station. He should not be allowed to remain at Shirpur, but he need not be dismissed.

(7.) Ganesh Pándurang Thakár—His case is considered by the Bombay Government as one of a forced loan, asked for by Mr. Crawford himself and paid through Hanmantrao. The Government of India is unable to accept this view, or to believe that Thakár ever expected to be repaid; but having regard to all the circumstances disclosed in Thakár's evidence, and to the high character which he appears to have borne, it will not insist on his absolute dismissal. It must, however, be clearly understood that under no circumstances is he to be made a Deputy Collector.

(8.) Wáman Dáji Nagarkar—This officer paid two sums of 500 rupees each, the first to obtain a transfer from an unhealthy station, the second for promotion. He, too, calls these payments "advances," but he says he did not take any acknowledgment of them or make any arrangement for their repayment. At the same time he admits that he went to see Hanmantrao "in consequence of what he had heard." The Governor General in Council sees no reason for removing him from the first category. He should be dismissed.

(9.) Vishnu Raghunáth Kelkar—His case appears to have been one of extortion. He made two payments in order to avoid "vexatious removals and possibly degradation." Although the Commissioners remark that he was not persecuted but well looked after, it is observed that he was transferred five times in six months. He may be placed in the second category.

(10.) Vithal Tikáji Uplap—He was implicated while employed as Karbhari in the Akalkot State in the payment of a bribe of Rs. 10,000 by the Chief of that State to Mr. Crawford, but denied the matter persistently till he found it could not be concealed, or thought it better policy to speak out. He did not receive any guarantee of indemnity. There does not appear to be any doubt about his guilt, as he sought Hanmantrao and brought him to the Raja, and settled that the latter should pay 10,000 rupees for his powers; and, though it is asserted that he acted most reluctantly, he was promised and obtained extraordinary promotion on his own account, and he himself paid the money on every occasion. His own promotion followed immediately on the first instalment, whereas the Raja's powers were not given till the payment was complete. He should be dismissed. As he received no guarantee, the question of granting him compensation does not arise.

(11.) and (12.) Rámchandra Govind Mangrulkar and Vishnu Bápuji Soman—These officials having retired on pension, the only question in their case is the indemnity against suits, &c; and as, under the Act as passed, the indemnity extends to every one implicated, no orders are called for in connection with them.

(13.) Moro

(13.) Moro Raghunáth Bivalkar—His case is one of clear payment for promotion, but there were extenuating circumstances which seem to justify his being placed in the second class. The Governor General in Council is, however, of opinion that it would be well if he were given some other post equivalent to a mamlatdarship, or, if this cannot be arranged, at all events transferred to another Division.

(14.) Vásudev Rámchandra Patvardhan—Being ill, he agreed to pay for transfer to a cool climate (Poona). As he is no longer there, he may be left in office.

(15.) Sakhárám Chimnáji Joshi—His chief object in agreeing to pay was apparently a healthy station. His services may be retained.

(16.) Káshináth Vináyak Bháve—This officer distinctly bargained in person for office and confirmation, and he is rumoured to be corrupt. His "disappointments" were due to the rule that alternate promotions should go to graduates, and he can only mention one supersession. His services should be dispensed with.

(17.) Rámráo Hanmant Rájguru—Rájguru is not a mamlatdar but only Deputy Chitnis. He is a young man, and if he is to be believed, he had nothing to do with the bribery himself, and as he has not been promoted, and will not be, in consideration of the payment, he may be allowed to retain his old office.

(18.) Janárdan Eknáth Sahasrabudhe—He was suspended by the District Magistrate of Satara, and when the case came up to the Commissioner for disposal he made his first payment to Hanmantrao in order to procure a successful issue. The second payment was made upon his being threatened with removal to a bad climate. Allowance may be made for the apprehensions he was under and for his belief that Mr. Crawford was really corrupt, and as there is some doubt if a payment under such circumstances by a man already in office comes within the Statute, Sahasrabudhe may be retained in the public service.

3. As regards the question of the compensation to be allowed to the dismissed officials who received a guarantee, it is proposed in paragraph 27 of your letter under acknowledgment—

(1.) that they should be placed on a separate list (not as employés of Government), and that each should be granted for the present a monthly stipend equal to the pay of which he was before his dismissal in receipt;

(2.) that when in the natural course the turn of the dismissed official for promotion to a higher grade would arrive had he remained in the service, his stipend should be raised to the amount of salary payable to an officer in that grade;

(3.) that as soon as the officer would, had he continued in Government employ, be entitled to pension, he should be treated as if he had retired, his stipend being reduced accordingly;

(4.) that in the event of any of the officers referred to obtaining other public or quasi-public employment or a salaried post, the rules under which officers are lent to foreign service should, if this could be conveniently done, be applied by analogy to his case, and the payment or salary received by him in such employ should go in reduction or discontinuance of the Government stipend, but he should be allowed to retain his pensionary rights.

I am to say that, with one exception, the proposals made in your letter appear to the Government of India to be unobjectionable. The grant of increments of stipend to the dismissed officials does not commend itself to the Governor General in Council, who is of opinion that the requirements of the case will be fully met by the continuance to each officer of his existing salary.

It must be remembered that he will perform no duties, and that it will be open to him to add to his income by private work. His Excellency in Council is accordingly pleased to sanction the first of the above proposals, which has also received the approval of Her Majesty's Secretary of State. The third and fourth proposals are also sanctioned by the Government of India.

I have, &c.
(signed) *C. J. Lyall,*
Officiating Secretary to the Government of India.

— No. 34. —

DESPATCH dated India Office, London, 5th December 1889.

From Her Majesty's Principal Secretary of State for India to the Government of India.

My Lord Marquis,

I HAVE to acknowledge the receipt of your Excellency's Despatch, No. 19, dated the 28th of October 1889, transmitting an authentic copy of the law noted in the margin,* which has been passed by the Council of the Governor General of India for making laws and regulations, and to which your Excellency has signified your assent.

2. I have to inform you that I have considered the Act in Council, and that it will be left to its operation,

I have, &c.
(signed) *Cross.*

— No. 35. —

LETTER dated Calcutta, 10th December 1889, from the Government of India to Her Majesty's Secretary of State for India.

My Lord,

In continuation of our Judicial Despatch, No. 31, dated the 29th October last, we have the honour to forward, for your Lordship's information, copies of the papers entered in the accompanying list, showing the action taken by us in regard to four other native officials implicated in the Crawford case. It will be seen that, on a careful consideration of the circumstances of each case, we have determined that one of these officers may be transferred to another post of equal emolument, but that the rest should be removed from the public service.

2. We also transmit a copy of a letter which we have caused to be addressed to the Government of Bombay with reference to petitions presented by certain dismissed officials whose removal from the public service was recommended by that Government and was ordered by us.

We have, &c.
(signed) *Lansdowne.*
G. Chesney.
A. R. Scoble.
C. A. Elliott.
P. P. Hutchins.
D. M. Barbour.

Enclosure No. 1, in No. 35.

From the Chief Secretary to the Government of Bombay to the Secretary to the Government of India, Home Department, Calcutta.

Sir, Bombay Castle, 6 November 1889.

In continuation of my letter No. 6994, dated the 17th September last, I am directed to submit, for the consideration and orders of the Government of India, the cases of the following four additional native officials who were implicated more or less in the corrupt transactions of Mr. Crawford and his agents :—

(1.) Mr. Bápuji Mahipat Khárkar.
(2.) Mr. Vishnu Anant Patwardhan.
(3.) Mr. Raghunáth Ganesh Támbe.
(4.) Mr. Narhar Bápuji Dámle.

A guarantee was formally given to these officers and they are in the opinion of the Governor in Council entitled to the benefit of it.

2. Mr. B. M. Khárkar is a graduate of the Bombay University, entered the service on 1st December 1876, is a sixth-grade deputy collector, and now holds the post of Alienation Assistant to the Commissioner, C. D., in which he exercises neither magisterial nor land revenue functions. Annexed are copies of the report of the Commissioner, C. D., on his case and of Mr. Khárkar's statement. The evidence given by Mr. Khárkar before the Crawford Commission will be found at pages 55-57, 127-128, and 247-249 of the printed Proceedings of the Commission. The remarks of the Commissioners on the case are recorded on pages 99-101 of their Report*. The case was discussed by the Honourable Sir R. West in paragraphs 62-64 of his Minute of March last†.

3. The Governor in Council considers that no adequate cause exists for the removal from the service of Mr. Khárkar. The long retention by Mr. Crawford of the draft letter to Government applying for Mr. Khárkar's confirmation in the post of Alienation Assistant naturally rendered the latter uneasy. That the draft was really not handed to Mr. Crawford, as the Commissioners suggest, will not appear probable to any person who knows the eagerness and anxiety of Hindus to be assured of their appointments. The necessity for consideration and discussion by Government on which the Commissioners dwell was no reason for withholding the proposal itself from Government, in fact it was quite the reverse. There is every cause to suppose that Mr. Khárkar spoke the truth. That at the time of Hanmantráo's trial Mr. Khárkar did not intend to disclose anything to Mr. Crawford's disadvantage is far from being an adequate ground for discrediting his testimony subsequently given. Mr. Khárkar had and could have had no ill feeling against Mr. Crawford if the latter had benefited him gratuitously or solely on public grounds, whilst on the opposite supposition Mr. Khárkar could have had no motive for inventing a false account of what occurred when a true version would have answered the purpose equally well. The payment made by Mr. Khárkar as he describes it—and there is no other evidence—was not a payment for any place in the gift of the Commissioner. Mr. Khárkar was already officiating as Alienation Assistant. It was a case in which he being in a place in which he felt that his superior could do him a service or dis-service yielded to the request of that superior for a loan. This did not disable him according to the English statute for holding any particular place. If the loan be regarded as a payment made for official favour to be shown to Mr. Khárkar by Mr. Crawford, and consciously so made, it constituted abetment of the offence defined in Section 161 of the Indian Penal Code. For this Mr. Khárkar would under Section 109 of the Code be punishable as for the principal offence. But the guarantee given to him protects him against prosecution, and the Indian Penal Code does not stamp him with any disability as a consequence of the transaction admitted by him. If then Mr. Khárkar told the truth (and it is impossible to say that he did not) he is not legally disqualified for retaining his office, and as he is not legally disqualified Government cannot dismiss him on account of the offence, if such it be, confessed to by him. Mr. Khárkar's case in any event seems clearly to fall within the second category. He volunteered no payment.

4. Mr.

* *See* pp. 102—104 of Command Paper, No. 5701 of 1889.
† *See* pp. 143—144 of Command Paper, No. 5701 of 1889.

4. Mr. V. A. Patwardhan is a graduate of the Bombay University and is at present employed as head clerk to the Collector of Sátára. His evidence before the Commission is recorded at pages 188–191 of the printed volume of Proceedings, and the opinion of the Commissioners on his case is contained on pages 49–51 of their Report.* Copies of the Report of the Commissioner, C. D., on his case and of his statement as taken by Mr. Lucas in August 1888 are appended. The Governor in Council is unable to regard the case as one of extortion or of payment made to avoid supersession or injustice. Mr. Patwardhan volunteered payment in order to secure for himself a post he coveted, and therefore must be held to come under the first category and under the orders of the Government of India and Secretary of State to merit removal from the service.

5. Mr. R. G. Támbe is a treasury kárkun in the Sátára Collectorate. He has completed 27 years' service and is probably entitled to a pension. He gave evidence before the Commission (pages 234–239 of the printed Proceedings) and his case was commented upon by the Commissioners at pages 89–94 of their Report†: it was also discussed by the Honourable Sir R. West in paragraphs 73–78 of his Minute of March last‡ I am to submit copies of the Report by the Commissioner, C. D., regarding Mr. Támbe and also of that officer's statement made to Mr. Ommanney in September 1888. Mr. R. G. Támbe must in the opinion of the Governor in Council be included in the first category as a person who paid a bribe voluntarily and not under compulsion, and in these circumstances he is under the rulings of the Secretary of State and the Government of India liable to dismissal.

6. Mr. N. B. Dámle is at present serving as mámlatdár in the Khándesh District. He is an old officer of many years' service and is entitled to his pension. His case formed one of the articles of charge, but it was not proceeded with before the Commission. I am desired to forward herewith a copy of a report by the Commissioner, C. D., regarding Mr. Dámle's case together with its accompaniments. On Mr. Dámle's own statement it appears that he paid or caused to be paid to Hanmantráo a sum of 400 rupees in order to escape unjust supersession. His defence rests mainly on the ground of the general feeling of terror and helplessness which prevailed, under the pressure of which he paid the money, not for any specific favour or advantage but as blackmail to prevent injury and humiliation to himself. The threatening warnings given to him by Patwardhan furnished sufficient cause for alarm. On consideration of all the circumstances the Governor in Council thinks that Mr. Dámle may properly be included in the second category.

7. In conclusion I am to add that should the Government of India agree with this Government in its estimate of the conduct of Messrs. R. G. Támbe and V. A. Patwardhan and direct their dismissal, the Governor in Council considers that compensation should be allowed to them as proposed in paragraph 27 of my letter No. 6994, dated 17th September 1889.

8. Only a few more cases now remain for consideration, and regarding them the Government of India will be addressed as speedily as possible.

I have, &c.
(signed) *J. Nugent,*
Chief Secretary to Government.

REPORT on Bapuji Mahipat Kharkar.

I. The position he now holds and length of service.—Mr. Bapuji Mahipat Kharkar is at present alienation assistant to the Commissioner, Central Division, and the length of his service is 12 years and 9 months.

II. Conduct in connection with the Crawford case.—Mr. Kharkar was head clerk to the Collector of Nasik, when he was selected by Mr. Robertson for the post of deputy alienation assistant, that was created in the beginning of the year 1886. The object of creating that post was to train an officer who would be

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* *See* pp. 51—53 of Command Paper, No. 5701 of 1889.
† *See* pp. 92—97 of Command Paper, No. 5701 of 1889.
‡ *See* pp. 146—147 of Command Paper, No. 5701 of 1889.

be qualified to succeed Mr. Ramchandra Narayan Pandit, late alienation assistant, on his retirement. Mr. Kharkar joined his post on the 20th January 1886.

Mr Ramchandra Narayan Pandit retired on the 31st March 1887, and Mr. Kharkar assumed charge of the office under Mr. Crawford's orders. A draft letter to Government regarding Mr. Kharkar's nomination to the post of alienation assistant was prepared and submitted to Mr. Crawford for approval. The draft remained with Mr. Crawford for about two months, and Mr. Kharkar became anxious about his appointment. About the beginning of June 1887 Mr. Kharkar saw the Commissioner at his bungalow, and asked him about the draft. Mr. Crawford told him it would be returned shortly. After a few days Mr. Kharkar went to the Commissioner's bungalow about some office work, when Mr. Crawford asked him to advance a sum of 1,500 rupees. Mr. Kharkar said he had not so much and agreed to provide 500 rupees. Mr. Kharkar also told the Commissioner that, if more was wanted, it could be given when the arrears of pay due to him were received. Mr. Crawford then told him to pay as much as he could; and Mr. Kharkar paid 500 rupees accordingly, a day or two after. The money came out of Mr. Kharkar's savings. Mr. Kharkar did not ask Mr. Crawford to repay the money, because he knew it was useless.

It will be seen from the foregoing summary that Mr. Kharkar did not take the initiative in the matter of the payment, but he was asked by Mr. Crawford to lend him money, and, situated as he was, he could not have refused. He, naturally, did not like to be disobliging towards his superior officer, or to offend him. In fact, he could not have done otherwise than he did. He did not go to Hanmantrao, or any agent, to intercede for him. He did not even ask Mr. Crawford to give him the appointment, as that had been promised to him already. He knew that no one else could be appointed, as no one without special training could carry on the work of the Alienation Office; he had received that training, and the appointment was his; it was merely a matter of signing the draft letter about his appointment, and it was at this juncture that he was asked for the loan, and I am of opinion that no one in the circumstances in which he was placed could or would have refused to lend the money. His is a far different case from those who paid, because they were superseded, or transferred, or who wanted an appointment. Mr. Kharkar had his appointment, and he knew that, whether he complied with Mr. Crawford's request or not, he would get the appointment, because there was no other trained man who could do the work, and he also must have known that, if Mr. Crawford had put any one else in, there would have been a deadlock in the Alienation Record Office, as there would be now if Mr. Kharkar were transferred.

III. General reputation for efficiency, honesty, and integrity.—Mr. Kharkar has an excellent reputation for efficiency, honesty, and integrity. He has served as head clerk under Messrs. Erskine, Nairne, Ramsay, and W. Woodward, all of them distinguished officers, and no mean judges of native character, and every one of them speaks in high terms about Mr. Kharkar. I can say, from my own experience of over a year, that the high opinion entertained of him by the above-named officers is fully deserved. He performs his duties to my entire satisfaction, and I trust him implicitly.

(signed) *J. G. Moore,*
Commissioner, Central Division.

A post of deputy alienation assistant was specially created in the Alienation Department under a confidential G. R., with a view to train up an officer to succeed Rao Bahadur Ramchandra Narayan Pandit as alienation assistant after his retirement. Mr. Pandit retired on the 31st March 1887, and I took charge from him. A draft of the report by the Commissioner for obtaining the sanction of Government to my appointment as alienation assistant was prepared and submitted to Mr. Crawford for approval. The draft was lying with him for about a month and a half. One day, about the beginning of June, I took some work to him. After the disposal of the office work I requested him to send the report about myself to Government at his early convenience. He told me that it would be sent soon. After 10 or 12 days I took some work to him as usual. He then told me that he was in pecuniary difficulties, and asked me to advance him a sum of 1,500 rupees, and told me that it would be returned shortly. I told him I had not so much, and could, at the most, send him about

500 rupees. If he wanted more I would give him after I had received the arrears of my pay. He told me to send as much as I could. Two or three days after I went to him and paid him 500 rupees in notes. This sum was with me. My appointment as alienation assistant was sanctioned and notified about the middle of June 1888; and I drew the arrears of my pay about the end of that month. During the interval, *i.e.*, till the date of the inquiry, fortunately for me no further demand was made.

(signed) *B. M. Kharkar.*

REPORT on Vishnu Anant Patwardhan.

I. *The position he now holds and length of service.*—Mr. Patwardhan is at present head clerk to the Collector of Satara, and the length of his service is eight years and four months.

II. *Conduct in connection with the Crawford case.*—In April 1886 Vishnu Anant Patwardhan was sub *pro tem.* police accountant at Poona on 50 rupees per mensem. He had a conversation with Hanmantrao regarding his prospects, and through the latter's influence he entered the Commissioner's office as police head clerk, salary 100 rupees per month. About the end of 1886 Vishnu Anant was promoted to the Revenue head clerkship; and it appears from his statement before the Commission that he had to pay 1,000 rupees at that time in consequence of a threat by Hanmantrao that, if he did not pay, he would lose the post. The money was paid in January 1887, 500 rupees from Vishnu Anant's own savings and 500 rupees were obtained from his father.

In September 1887 Vishnu Anant paid a further amount of 500 rupees to Hanmantrao to secure the appointment of a mamlatdar. The amount came from Vishnu Anant's savings.

The account given by Hanmantrao is somewhat different. He says:—

"Vishnu Anant Patwardhan came to me and asked for my assistance, through Raghwendrao Kattigeri, in March or April 1886. He must have paid Mr. Crawford direct, or, as I afterwards heard, through Balvantrao Godbole. I do not know the sum. This took place when I was away from Poona, between May and July or August 1886. He was already head clerk in the Commissioner's office when I returned to Poona from my village. I distinctly remember that I never negotiated for him except for getting him the appointment of mamlatdar in September 1887, when he paid me 500 rupees."

Vishnu Anant Patwardhan is mentioned by Hanmantrao in his statement as one of the office clerks who used to supply him with information and files.

I cannot look upon Patwardhan's case as one of extortion. If he did not actually buy promotion it is evident that, prompted by ambition, he fell an easy prey to the system of corruption that was prevalent.

III. *General reputation for efficiency, honesty, and integrity.*—I have no personal knowledge of this official. Mr. East, the Collector of Poona, in his quarterly list of men qualified for mamlats, ending 31st December 1885, writes regarding Mr. Vishnu Anant Patwardhan—

"An efficient officer."

"General character good."

Mr. Crawford has recorded no opinion about him. But Mr. Pendse, my assistant, under whom Patwardhan directly served from June 1886 to July 1888, gives him the following character:—

"Capable and hardworking, but weak in character, and looks too much after promotion."

(signed) *J. G. Moore,*
Commissioner, Central Division.

Vishnu Anant Patwardhan states:—

"I was Police Accountant at Poona. In about April 1886 I met Hanmantrao on the road. He was my college friend. He asked me if I was a mamlatdar yet, and inquired generally about my antecedents, and said that he would help me

me if I wanted to get a mamlat. After some time I met him on the road near his house, and he said that he would take me to the Commissioner and would get me a mamlet. but hinted that I would have to pay something, and I said that I would consider about that after I got the mamlat. The same day, in the evening, he took me to the Commissioner, Mr. Crawford, at Kirkee; it was about the end of May 1886. Mr. Crawford asked me about my antecedents, where I had served, what examinations I had passed, &c., &c., and said he wanted a good head clerk, and would give me a trial, and if I satisfied him he would see about giving me a mamlat. I told him that his assistant, Mr. Baput, knew me, as I had served under him as head karkun. Afterwards I received an order through the collector appointing me acting police head clerk. I joined on 16 June 1886, and worked for three months as Revenue head clerk, under Mr. Pendse, who was satisfied with my work, and sent me with a note to the Commissioner, who gave me a reply to take to Mr. Pendse. I that day reverted to my post of head accountant, and the same day, in the afternoon, Mr. Pendse wrote me that with the Commissioner's permission I should at once rejoin my post of head clerk, as Mr. Pathankar was going on sick leave. For the three months during which I had acted Mr. Pathankar had been on privilege leave. I rejoined and continued to act until December 1886, when a permanent vacancy of 125 rupees occurred in the Commissioner's Office owing to the retirement of Mr. Nazareth, the revenue head clerk. Mr. Pendse told me that he had recommended me to the Commissioner for that post. Hanmantrao happened to hear that Mr. Pendse had recommended me and told me that I would be nearer to a mamlat by getting this post. I must pay 1,000 rupees to him, or else I would not get that post. I had gone to his house, because I thought that he was a powerful person, and wished to remain on good terms with him. This was in January 1887. I agreed to pay this amount on the understanding that I would not be further taxed. I had with me notes of 500 rupees. I had saved the money out of my pay, and I borrowed 500 rupees from my father, who is not a Government servant, and deals in grain, &c., and soon afterwards I took the money to him in notes (I don't remember how many) and handed it over to him at night in his house. I went alone, and no one was present when I paid Hanmantrao. I was then appointed in January 1887 permanent head clerk in the Commissioner's office, and served in that capacity to the satisfaction of Mr. Pendse. In September 1887 I told Mr. Pendse that I was ambitious to be made a mamlatdar, and he said that he would recommend me as I had given him complete satisfaction. There was at that time a vacancy at Jamkhed. I about the same time told Hanmantrao that I had been recommended for a mamlat and he should not come in my way; but Hanmantrao said that there were many candidates and I could not expect to get it for nothing, and asked 1,000 rupees, but ultimately reduced the amount to 500 rupees. I had the amount by me saved from my pay, and paid it to Hanmantrao in notes personally at his house at night some time in September 1887, no witnesses being present. In the notification which appeared after 20th September I found that I was appointed substantive Mamlatdar of Jamkhed, but to continue to do duty as head clerk to the Commissioner, Central Division, until further orders. I said to Mr. Pendse that the notification was only nominal, as I was not allowed to serve as mamlatdar, and he told me to continue some time longer in his office and acquire experience, and that I would become competent when I did go out as mamlatdar.

"After some months I again spoke to Mr. Pendse and asked to be sent out as mamlatdar, because I would suffer in pay and prospects if I continued in his office. He afterwards told me that he had spoken to the Commissioner about me, but I have continued to serve as head clerk until the commencement of the proceedings against Mr. Crawford, when I was transferred to Khandesh. I passed the higher standard examination in 1883, and am B. A. of Bombay University. I don't know whether I was first in the list of candidates when the Jamkhed vacancy occurred, but I think I was high up. I was occasionally asked for information as to whether any particular case had been despatched or particular application received by the clerks in the office who resided with Hanmantrao, Narsingrao Sheshgiri, and P. K. Joshi. I never myself gave Hanmantrao any information, nor sent him any papers."

9th August 1888. (signed) *A. Lucas.*

"About June 1887 my father-in-law, Narhar Bapuji Dumle was on leave in Poona. He was Mamlatdar of Sinkhed in Khandesh. He said to me that he had only a few years of service left, and if he got any promotion it would add to his pension. I asked Vinajek Deshmukh to try if he would get my father-in-law some promotion. About June 1887 a notification appeared appointing Mr. Dumle sub *pro tem.* 2nd grade mamlatdar, and Haumantrao told me that if I did not pay 400 rupees my father-in-law would not get this promotion. I paid him 400 rupees in notes at his house at night. My father-in-law, who was then in Poona, gave it to me."

(signed) *A. Lucas,*
Assistant Collector.

9th August 1888.

REPORT on Raghunath Ganesh Tambe.

I. *The position he now holds and the length of service.*—Mr. Tambe is a Treasury Karkun in the Koregaon Mamlatdar's Office on 35 rupees, and 26 years and 10 months' service.

II. *Conduct in connection with the Crawford case.*—Raghunath Ganesh Tambe was treasurer at Koregaon Taluka, in the Satara District,—pay 35 rupees, about October 1887. He came to Poona about that time to make "Khatput" for the post of Head Karkun, and saw Mr. Crawford at his bungalow, through Kazi Abbas. Mr. Crawford promised to help him, provided he did as Kazi Abbas suggested. The Kazi told Raghunath that he would have to pay 700 rupees to the Saheb and 200 rupees to himself for his services as an agent. Raghunath agreed and paid 700 rupees personally to Mr. Crawford and 200 rupees to the Kazi. The money was borrowed from men in Poona and Patan.

I look upon Tambe's as a clear case of purchase of office. The initiative was taken by Tambe himself, and it is clear from his evidence that he paid money with the avowed object of improving his prospects in the service.

III. *General reputation for efficiency, honesty, and integrity.*—I have no personal knowledge of this official. Mr. Keyser, the collector of Satara, states that, as far as he could ascertain, his character for efficiency is good, and there is nothing known against him to make his integrity or honesty suspected, but that in the subordinate position he holds it is difficult to give any certificate as regards the latter qualifications.

(signed) *J. G. Moore,*
Commissioner, Central Division.

Raghunath Ganesh Tambe, 35 rupees, Karkun, Koregaon, states :—

"Rajaram Kulkarni belongs to the village Ambod of the Koregaon Taluka. He was about to come to Poona, and I learnt that he was in the Commissioner's following. I told him that I was an old servant and did not get promotion, and I asked him if he could do anything for me. This was in October 1887. He came to Poona and made inquiries of the Kazi and wrote me a letter. This is the letter (I). The card produced is my answer to the letter. It was returned from Poona undelivered, as Rajaram could not be found there (II). In two or four days Rajaram not having received my card came to get my answer in person. Rajaram came to my house. He told me he had met the Kazi and gone with him to see Mr. Crawford, and told him my circumstances. He had said that I had not passed the lower and higher standard examinations, but I was an old servant and he would appoint me Avalkarkun. The Kulkarni told me I would have to pay 900 rupees. I agreed, and the Kulkarni told me to collect the money and go with him. In Patan is a Savkar named Balvantra Agashe, and he had promised me that he would give me 500 rupees whenever I should want it. Accordingly I wrote to him and asked him for that sum, reminding him of the purpose for which I wanted it. He sent me a 500 rupee hundi on the shop of Antaji Keshav Sathe in Poona. I came to Poona on the 10th or 11th October with Rajaram, and bringing the hundi. I put up with Sitaram Pant Kalamkar in Sadashio Petu. The next morning Rajaram took me to Kazi. Kazi said he would get me a place of 50 rupees or 60 rupees, and I would have to pay 700 rupees to the Saheb and 200 rupees to himself. I agreeable

I agreeable? I pleaded for reduction of the amount. The Kazi refused, and I finally agreed. On the 11th or 12th October the Kazi took me with Rajaram to Mr. Crawford's bungalow. Kazi hired the carriage. We drove to the further gate and stopped the carriage on the road. We two sat in the carriage while the Kazi went into the house. In about 20 minutes Kazi returned. It was about 2 p.m. Kazi called us and we followed him. He led us to where the Saheb was. I would point out the place at the bungalow. The Saheb asked me who I was. I told him my name and post. He asked me what I had come for. Kazi told me to say what I had to say. I mentioned my long service, that I had acted as mamlatdar and avalkarkun, and got no pucka place, and I prayed for a place of 50 rupees or upwards. The Saheb (Mr. Crawford) agreed to give me a place, but I would have to spend money. I said I would pay, but the amount should be proportioned to my circumstances. He said he had told Kazi what I was to pay, he would tell me. I should bring that amount and a petition. I said I had not so much money with me, I would get it in the town. He told me to bring it next day. Then we left and came into the town. On our way in the carriage the Kazi again told me that I must pay 700 rupees to Mr. Crawford, and 200 rupees to himself. I said I would pay the money. Kazi told me to bring the money next day, and we would go to the Saheb. We drove to the Kazi's house. There we left the carriage, and Rajaram and I went home. The next day I went alone to Antaji Keshav Sathe and cashed the hundi. I find a note on the envelope of Agashe's letter that I cashed the hundi on the 12th. Agashe had sent me the hundi by the hand of Jotish, a sepoy whom I had sent with my letter. There was a man in Poona then named Krishnaji Ramchandra Joshi, Inamdar of Eraphal, Taluka Patan. I went to him, he was a friend of mine, and borrowed 300 rupees from him. On 13th I went to the Kazi's house with Rajaram, taking 800 rupees with me in silver in a bag. Kazi told me to get notes. I stayed at Kazi's and sent Rajaram with the money to get notes. Rajaram brought notes. There were some notes of 100 rupees and 50 rupees, and of lower values. When I came to Kazi's house Sakharam, Patel of Koregaon, and his brother were sitting there.

"The two Patels and Kazi and Rajaram and I took a shigram and went to the bungalow, one of the Patels sitting on the box. We drove to the same gate as before. The time was 4 p.m. A peon told us that Mr. Crawford had gone to Mr. Crowe's bungalow. We waited sitting in the carriage. Kazi had gone into the bungalow and waited there. The date was the 13th October, as my petition of 14th was presented next day. After 6 p.m. Mr. Crawford came. A sepoy came and called the two Patels and they went in. In about half hour they came back. I don't know what their business was except that it concerned their watan. After the return of the Patels a peon came and called me. I went in, Rajaram remaining in the carriage. Abbas met me near the butler's room and told me to put his 200 rupees on one side and keep the 700 rupees handy. I said I was short by 100 rupees. I would pay that sum afterwards and keep the Saheb's 700 rupees ready. I put 100 rupees in my pocket, and kept 700 rupees in my hand. Then I went in to the Saheb with Kazi. I told the Saheb I had brought the 700 rupees agreed upon. I gave the notes myself into the Saheb's hand. Kazi was present. The Saheb took the notes into a side room and returned. I then asked for a 60-rupees place in Satara, which was to fall vacant in the beginning of November, about the 5th. The Saheb told me to bring a petition. I then took my leave and went out with Kazi, and we all returned to Kazi's house. Then the Kazi asked me for his own 200 rupees. I gave him the 100 rupees I had with me, and said I would send the other 100 rupees from Koregaon. Kazi desired me to pay the money at once. I said I was to be trusted, and would send the money from Koregaon. The next day I got this petition (IIs.) drafted by a man brought by Rajaram, whom I do not know. I made a draft in Marathi, and he turned it into English. This was at Kalambar's house. Rajaram and I took the petition to Kazi's house. There was a man who understood English at Kazi's, and also Dhulekhan, a chief constable. The man who understood English was a Brahmin, but I do not know him. Kazi caused the petition to be read to him, and disapproved it, and said I must get one written by his own writer. He called him his Vakil, and his name is Bhaskarrao, a Prabhu, residing near the new market. Kazi and Dhulekhan having engaged a carriage, took me and Rajaram to his Bhaskarrao. Dhulekhan stayed in the carriage, and Kazi and Rajaram and I

went into the house upstairs. After discussion, the petition was altered, the part about Erandol being omitted. Then the Vakil made a fair copy. I took both the corrected draft and fair copy, and we returned to Kazi's house. Then I gave the fair copy to Kazi. The same or the next day Rajaram and I and the Patel, Sakharam's brother, went back to Koregaon. I think I left on 14th, and the 15th was the Divali. Rajaram left the train at Satara road, and went thence to his village, and the Patel and I went on to Koregaon. The Patel told me on the road that he had come about his Patel watan. After the Divali I sent Kazi 100 rupees by a money order, for which I produce receipt. It was dated 22nd October 1887. In November the avalkarkun's place at Satara fell vacant, and I wrote to Kazi to inform him. The place fell vacant on the 5th, and was not filled until the 14th. Then I came to Poona. I went to see Kazi, and claimed the place. He told me to take my meal, and we would go to the Saheb. I took my meal, and the Kazi and I and the Fouzdar (Dhulekhan) took a carriage and went to Mr. Crawford's bungalow. The carriage stopped at the same spot as before. Then we went towards the bungalow. They seated me near the fowls' house. The Fouzdar sat near the butler's room further on. Kazi went into the bungalow. In 10 or 15 minutes Kazi came to me and called me. Kazi told me that he had spoken to the Saheb, that the Saheb would write to Satara, and I should go. We then returned. We left the carriage near Kazi's house, and I went home to Kalamkar's house, where I had put up as before. Then I returned to Koregaon. I received this telegram one or two days after my arrival there. I at once came to Poona. I went to see the Kazi. He told me that a demi-official letter had been written to the collector about me. He told me to return to Satara and see the collector. I left Poona at once and went to Koregaon. On 20th or 21st November the collector's camp came to Koregaon. I did not go to see him, because I thought he would be coming to inspect the Treasury. The collector came to the Kacheri. He asked the Chitnis where the treasurer was. I stood up, and the collector asked the mamlatdar if I knew English. The mamlatdar said no, but I was an old servant. Nothing more was said. The collector, having inspected the Treasury, left. He had filled the vacant avalkarkunship before coming to Koregaon. On learning that the place had been filled up I wrote Kazi, telling him he had not acted up to the agreement, and claiming that I should either be given a place or get my money returned. Kazi sent an answer, and several letters passed between us. At last Kazi wrote to me that I was appointed at Shrigada. I waited, but no order came. I came to Poona in April and met the Kazi. He then told me to make another petition. I said I had no money, and refused to make a fresh petition. The Kazi wrote me this letter to Bhaskarrao, telling him to write my petition, and he would pay him afterwards. I took the letter to Bhaskarrao, and he wrote a petition for me. I went with the Kazi and Fouzdar to the bungalow. The tonga stopped in the same place as before. Kazi went to the bungalow, and Fouzdar and I sat near the butler's room. The Kazi came out and said the Saheb was ill and had not dressed, and I should come the next day. It was 11 a.m. about. Then we went away.

"The next day we again went to the bungalow (about April 20th), and I went into the bungalow and met Mr. Crawford. He said he was corresponding with the collector with a view to my appointment as Avalkarkun, Shrigonda; the business was not yet complete, but I should get the place. I said it was a long while that my case was pending. I had borrowed the money, and people were pressing me; early orders should therefore be issued, or my money should be returned. Mr. Crawford told me to wait a month, and if I did not get a place within that time I should ask for my money back. Then I went away.

"During the next three months I had correspondence with the Kazi, but I got nothing. I came to Poona again on the 2nd July. I went to see Kazi, and heard he had gone to Bombay, and would return in two days. On 5th July Kazi returned, and Mr. Crawford also returned from Bombay. I went and saw Kazi, and told him I had waited so long I did not want a place. My money must be returned to me. He told me to stay in Poona and see him the next day. The next day I went and saw him. Kazi and I went to the bungalow at Kirkee. I do not remember whether Dhulekhan came or no.

"Kazi introduced me, and I asked Mr. Crawford for my money. Mr. Crawford went into his room, and came out with notes, and gave them to Kazi. I had told

told Mr. Crawford I would wait no longer, and must get my money, or I would petition. I was then told to go aside, and Mr. Crawford and Kazi talked together. Then I was called, and the notes were brought and given to Kazi. I saw that the notes were for 700 rupees. Then we returned home.

"On reaching the Kazi's house I told him to give me the 700 rupees, and 200 rupees also which I had paid to him. He told me I should not demand all the money. He had done something for me; I should give him something for that, and take the balance. I said I would not give him one pie. He must pay me the whole 900 rupees or I would sue him. Kazi said he would give me the 700 rupees if I would give him a receipt for the whole sum. Then I went away.

"The next day I went to Kazi's again. Dhulekhan took me on one side, and said he had arranged between Kazi and me that I would give 50 rupees, and the balance, 850 rupees, should be returned to me; that Kazi should pay 800 rupees of this, and Rajaram, to whom Kazi said he had paid it, 50 rupees; he would give me a letter to Rajaram to that effect. I should accept an acknowledgment of the debt from Kazi. I agreed. The Fouzdar then wrote the receipt, and it was signed by Abbas. The receipt is dated 7th July, and the money was to be paid to me in three months.

"I took the receipt, and went home. Eight or ten days afterwards the 'Kesari' newspaper came to Koregaon, and we learnt of the suspension of Mr. Crawford. I sent Tuljee Sakharam Bokila on 13th or 14th August to Kazi, and Kazi promised him to send the money in three or four days. The money did not come, and I sent Parshuram Pandit to Kazi. To him also Kazi promised to pay the money in three or four days. I have not yet received the money."

21 September 1889. (signed) *H. T. Ommanney.*

CASE of Mr. Narhar Bápuji Dámle.

No. R. 4795-59, dated Poona, the 7th October 1889.

From *J. G. Moore*, Esq., Commissioner, Central Division, to the Chief Secretary to Government of Bombay, Revenue Department.

WITH reference to paragraph 5 of your letter, No. 148 P., dated the 18th August 1889, I have the honour to submit the explanation given by Rao Saheb Narhar Bapuji Damle in defence of his conduct, with its translation in English, and to intimate that a full report on the case of this mamlatdar, to which I have nothing to add, was submitted to Government with this office letter, No. R. 1763-18, Confidential, dated the 6th April last. I beg to append a copy of that report for ready reference.

2. Mr. Damle made no statement before Mr. Ommanney, who, in reply to my reference, writes:—

"As regards Mr. Narhar Bapuji Damle, I have the honour to inform you that he made no statement to me.

"But the statement he was prepared to make was briefed for the Commission, on second-hand information, and was to the following effect:—

"'I was appointed in June 1887 sub. *pro-tem.* second-grade mamlatdar. About this time I was in Poona on leave, and asked my son-in-law to see if I could get promotion, as it would add to my pension, which I had well-nigh earned. My son-in-law, Vishnupant Patwardhan, arranged through Deshmukh and Hanmantrao to get me the promotion for 400 rupees, which sum I paid to Patwardhan during my stay in Poona.'"

TRANSLATION of the Explanation furnished by *Rao Saheb Narhar Bapuji Damle*, Mamlatdar of Taluka Shahada, in the matter of his payment of Money to Mr. *Crawford*.

From *Rao Saheb Narhar Bapuji Damle*, Mamlatdar, Taluka Shahada, to *W. H. Lock*, Esq., Collector of Khandesh, dated the 16th September 1889.

With compliments.

IN obedience to your order, dated 13th instant, forwarding a translation of an abstract of my statement prepared for the Crawford Commission, and received with the Commissioner Central Division's letter No. 4223—40, Confidential, dated 10th idem, and calling for my defence in the matter of my payment of a bribe to secure promotion, I have the honour to state as follows:—

It is stated that an abstract of my statement was prepared for the Crawford Commission. The facts, however, were different. The so-called 'statement' is not a statement recording facts as told by me. I was summoned to appear as a witness before the Commission, and I went to Poona accordingly. I saw Mr. Ormsbey in his office, and then went to the Commission Office (Council Hall). I also made inquiry of Vishnupant Patwardhan, and he told me that I should depose before the Commission in accordance with the abstract that had been prepared. I asked him if that would not be hurting one's self with one's own hands. He assured me that it would not be so; that one who told the facts exactly as they were was in no danger of suffering in any way; that there was a secret but substantial guarantee of Government to that effect. He informed me that my case had been briefed, and advised me not to be afraid, but to be ready to give evidence. My fears having been thus quieted, I remained (in Poona) two or three days, waiting to be called before the Commission. As the case, however, did not touch Mr. Crawford directly, it was not proceeded with, and I was permitted to return to my duties. Under these circumstances, I confidently rely, leaving aside the question of my guilt, on the assurance of Government as my chief defence.

I have served for eight years under Native, and for ten years under European officers; during all this time promotion was regulated by merit and character, and I obtained it on those principles. After I became a mamlatdar I was able, until Mr. Robertson's departure, to secure my promotion on principles of conduct, efficiency, claims, and qualifications. When Mr. Crawford became Commissioner, all the above-mentioned principles became principles in name only, and the real principle was the money principle, which it was necessary to satisfy. Still I kept quiet for some time, although men junior to me went over my head. At last I thought I should no longer be quiet; and as Vishnupant had arranged the business, and told me that if I did not pay I should not only lose my promotion, but might possibly have to prepare myself for something worse, I was afraid of the consequences, and I paid accordingly. The amount paid was small, as I could not afford to pay a larger amount; consequently those who were made sub. *pro tem.* after me were confirmed before me, and I am still a sub. *pro tem.* I had scarcely had time enough to console myself with a hope that the old principles would revive under the new *régime* before I fell a prey to the present misfortune.

The principle which sprang up under Mr. Crawford's rule (viz., the principle of satisfying his demand for money) is immoral. Government made no difference between their European and Native servants. All this is very well in theory, but the practical enforcement of it is very difficult. To illustrate this, I will only point out that it is Lord Reay, the lover of truth alone, who has been able to initiate and carry out the inquiry into the Crawford scandals, and that no one else, European or Native, ever ventured to undertake the task. How was it possible, then, for a man in my position to consider all these matters (from a high level)? Of course, it was not.

In short, whatever has happened has happened through helplessness. If I have done anything wrong, I have, at any rate, to plead the assurance of Government in my defence; consequently I have every confidence that I shall not be a sufferer in any way. It is for Government to save me.

I. Standing in the service, present appointment and salary.—Rao Saheb Narhar Bapuji Damle entered the service in August 1860. His present appointment is sub. *pro tem.* 2nd grade Mamlatdar of Malsiras on a salary of 200 rupees.

II. Conduct in the Crawford case.—He was Mamlatdar of Sind Kheda in Khandesh. He came to Poona on leave in May 1887. He told his son-in-law Vishnu Anant Patwardhan that he had only a few years' service left, and if he got any promotion it would add to his pension. Patwardhan asked Vinayak Deshmukh to try if Damle could get any promotion. A notification, dated 23rd May 1887, appeared appointing Damle substantive *pro tem.* second grade mamlatdar. Damle paid 400 rupees to Hanmantrao through Deshmukh for this favour.

Vishnu Anant Patwardhan, the head clerk in Mr. Crawford's office, so Hanmantrao tells us (page 22 of his statement), is the son-in-law of Damle, and Patwardhan "requested that his father-in-law should be kept in the taluka in which he was then serving, and should get promotion. He was accordingly appointed sub. *pro tem.* 2nd grade out of his strict turn to please Patwardhan, who paid 500 rupees for the service."

III. Collector's opinion.—Mr. Candy, the Collector of Sholapur, states that Damle has a fair character for honesty and integrity; that in ability he does not rank high, but that he, Mr. Candy, places confidence in his work.

Mr. Robertson, the late Commissioner, Central Division, has recorded about Rao Saheb Narhar Bapuji Damle: "He is not a very energetic officer, but a quiet and tolerably able officer of the old school. He is especially well up in accounts."

Mr. Loch, the Collector of Khandesh, states that when Damle was serving under him as Mamlatdar of Sind Kheda he had a good character for integrity and ability, and that his work was satisfactory, and that he was a careful and sensible magistrate, that lately, however, some irregularities in the management of local fund works have come to light which have somewhat altered his (Mr. Loch's) opinion about Damle, and that until the inquiry into the irregularities is over he cannot say whether he would like to have him serving in the Khandesh District under him again.

IV. Commissioner's opinion.—This is an unsatisfactory case, in which an old gentleman, whose service was drawing to a close, tried to get and succeeded in obtaining promotion, out of his turn, in order to increase his pension. There was no extortion here, no actual compulsion beyond the fact that he knew it could not be done without money, that the purchase system was in force. But Damle's motive was not good, and I cannot speak in his favour. The solemn assurance which Government gave him protects him of course, and we cannot interfere with him at present, but he is 53 years of age; in two years he can be superannuated, and in a year's time he could be retired on a sick certificate, for which purpose he should, I think, on attaining his 54th year, be sent to the civil surgeon.

(signed) *J. G. Moore,*
Commissioner, Central Division.

Enclosure No. 2, in No. 36.

From the Officiating Secretary to the Government of India to the Chief Secretary to the Government of Bombay.

Sir, Calcutta, 10 December 1889.

I AM directed to acknowledge the receipt of your letter, No. 8201, dated the 30th October last, submitting (1) a memorial addressed to the Governor General in Council by Mahadev Keshav Kumthekar, late a mamlatdar in the Central Division of the Bombay Presidency, whose dismissal was recommended

by the Government of Bombay, and was ordered in the letter from this Department marginally* noted; and (2) petitions presented to the Government of Bombay by certain other dismissed native officials.†

* No. 1251, dated 2nd September 1882.

† (1.) Shankar Bhalchandra Bapat.
(2.) Venkatesh Krishna Dravid.
(3.) Yeshwant Ballál Támbe.

2. In reply I am to observe that all these petitioners, with the exception of Kumthekar, were among the seven incriminated officials who were specially selected by the Government of Bombay as the first to be removed from the public service as having most clearly incurred the penalty of dismissal provided by the Statute 49 George III. cap. 126. At the same time the Government of Bombay reserved a number of cases for further consideration as presenting some doubtful features. Such being the case, it was concluded that His Excellency the Governor in Council, who was fully aware of all the circumstances under which the different individuals had paid, regarded those seven and also Kumthekar (who was the first of a second set of seven recommended for dismissal) as the most culpable or among the most culpable; and as soon as the Government of India had satisfied itself that they had without doubt paid money corruptly, it gave effect to the view of the Local Government which had thus singled them out. In forwarding the present representations, the Government of Bombay makes no recommendation for any special reconsideration of any individual case. Moreover, with the exception of the memorial from Kumthekar, which has already been disposed‡ of, none of the petitions is addressed to the Government of India, and no reason is given in your letter why they have been forwarded. They have, however, been considered by the Governor General in Council, and I am to communicate the conclusions at which he has arrived.

‡ *Vide* Home Department letter, No. 1564, dated 20th October 1882.

3. With reference to the petition from Shankar Bhalchandra Bapat, I am to point out that there is no suggestion in the case of any such pressure as could amount to extortion, while the payments were undoubtedly made to obtain an office and therefore within the statute. The harassment to which he refers seems to have consisted in Mr. Sathé having been appointed Native Assistant to the Commissioner in preference to himself, and he also apprehended that some one else might be similarly preferred. There is some force in the petitioner's remark, that when Mr. Crawford, in breach of standing orders, personally asked for a loan, it was difficult for his native subordinate to refuse, but it is not true that he had no alternative. I am further to observe that although Bapat's case may be said to resemble in some respects that of Ganesh Pandurang Thakár, the Government of India, in excusing the latter from the penalty of dismissal after considerable hesitation, went to the extreme limit of indulgence. Bapat's case, moreover, is differentiated from that of Thakár in that he made more than one payment. The Governor General in Council, therefore, is not prepared to re-open this case.

4. Nor does His Excellency in Council see any ground for reconsidering the case of Venkatesh Krishna Dravid. This man had committed a very grave error, and had been declared absolutely disqualified for a year for any judicial office, while at the end of that period he was to be tried as a karkun or subordinate magistrate before he could be considered eligible for a mamlatdarship. In these circumstances he cannot plead supersession, and there were no threats or other pressure used to induce him to pay. He paid money to secure an office for which he had been deliberately held to be not eligible until he had given proof of fitness in a subordinate post. In other words, he volunteered a payment "to escape the results of previous misconduct" or mistakes.

5. As regards the case of Yeshwant Ballál Támbe, I am to invite a reference to the deliberate opinion of the Commissioners that "as to the allegation "that he was driven to give a bribe by being transferred and superseded, we "find it to be groundless." Sir Raymond West in his Minute describes Támbe's case as one in which "mere acquiescent connivance verged into active "complicity," and it would seem that Támbe voluntarily put himself into communication with Deskmukh in the first instance. I am to say that if, notwithstanding these expressions of opinion, the Government of Bombay thinks that there are any special reasons for reconsideration of this case, those reasons should be stated clearly and fully for the information of the Governor General in Council. The original statement made by Támbe to Mr. Ommanney has not been submitted to this Department, and there is nothing on record before the

the Government of India to support the plea that he held out against paying until he was distinctly threatened with a transfer to Peint.

6. In conclusion I am to state, for the information of the Governor in Council, that Balwant Narayan Dabir another of the eight men whose dismissal was first ordered by the Government of India in accordance with the views believed to be entertained by the Governor in Council has submitted a copy of a memorial addressed to the Governor General in Council, the original of which he states has been forwarded through the Bombay Government. With reference to this case I am to say that the Governor General in Council has no doubt about the guilt of the memorialist. In their report the Commissioners remark that "Dabir, if there be truth in his story, shows himself in no sense a victim of extortion or pressure, but a man who himself conceived the idea of offering a bribe for that to which he had no special claim;" and it appears to His Excellency in Council that there is ample evidence that he was anxious to obtain a permanent mamlatdarship, and that, finding it must be paid for, he voluntecred the payment of a large sum of money. In these circumstances the Government of India is unable to reconsider the order for his dismissal.

I have, &c.
(signed) *C. J. Lyall,*
Officiating Secretary to the Government of India.

Enclosure No. 3, in No. 36.

From Officiating Secretary to the Government of India to the Chief Secretary to the Government of Bombay.

Sir, Calcutta, 10 December 1889.

I AM directed to acknowledge the receipt of your letter, No. 8452, dated the 6th ultimo, submitting for the orders of the Government of India the cases of four native officials who were implicated in the disclosures made at the inquiry into the charges made against Mr. Crawford, and to communicate the decision of the Governor General in Council in each case.

(1.) *Bápuji Mahipat Khárkar.*—According to the evidence given by Khárkar before the Commission his payment was made in order to secure a particular office (that of Alienation Assistant to the Commissioner, Central Division). His case appears to the Government of India clearly to fall within the scope of the statute 49 Geo. 3, c. 126, and he is therefore disqualified by law from continuing in that particular office. The Governor General in Council is unable to relieve Khárkar from the penalty of dismissal on the grounds advanced by the Government of Bombay, but there are certainly some mitigating circumstances in his case. He had been specially selected and trained for the office, and had good reason to regard himself as entitled to confirmation in it. It was, therefore, tantamount to extortion to demand a consideration for forwarding a recommendation in his favour, and perhaps, as pointed out by Mr. Moore, few people in the same circumstances would have been able to resist the pressure. His Excellency in Council thinks that Khárkar need not be absolutely dismissed from Government service. It is, however, necessary that he should be relieved of the duties of his present appointment and transferred to some other post of equivalent emolument as soon as the Local Government can arrange to appoint a properly qualified officer to the post of Alienation Assistant.

(2.) *Vishnu Anant Patwardhan*, Head Clerk, Satara Collectorate.—Patwardhan's case is clearly one of payment for an office which he knew was to be bought. There is no suggestion that he suffered from unjust supersession, and he made two separate payments for distinct offices. The recommendation of the Bombay Government that he should be dismissed from the service is accepted by the Government of India.

(3.) *Raghunáth Ganesh Támbe*, Treasury Karkun in the Satara Collectorate.—In this case a payment was made in order to secure promotion, and although the promotion was never obtained, Támbe committed a misdemeanour within the meaning of the statute. There are no facts entitling him to exceptional

consideration, and the Governor General in Council concurs in the opinion of the Government of Bombay that he should be dismissed.

The award of compensation to Patwardhan and Táurbe should be regulated by the orders contained in paragraph 4 of the letter from this Department, No. 1527, dated the 28th October last.

(4.) *Narhar Bápuji Dámle*, a Mamlatdar in the Khandesh District.—Mr. Moore, the present Commissioner of the Central Division, does not accept Dámle's statement that he made a payment to Rajmantrao in order to escape unjust supersession, and he expresses the following opinion:—"he (Dámle) "tried to get, and succeeded in getting, promotion *out of his turn* in order to "increase his pension. There was no extortion here."

As Dámle will shortly attain the age of 55 years, and as the Commissioner suggests that he could obtain a medical certificate even now, the Governor General in Council is of opinion that he should be removed from office, receiving full pay until he reaches the age of 55 (if he cannot at once be declared medically unfit for further service), and then the pension to which he is entitled by his service.

I have, &c.

(signed) *C. J. Lyall*,

Officiating Secretary to the Government of India.

EAST INDIA (CRAWFORD CASE).

RETURN to an Address of the Honourable The House of Commons, dated 28 March 1890;—*for*,

"COPIES of, or EXTRACTS from, CORRESPONDENCE relating to MEMORIALS from MEMBERS of the CIVIL SERVICE as to the MAMLATDARS nominated in the CRAWFORD CASE."

India Office,
15 April 1890.

A. GODLEY,
Under Secretary of State for India.

(Mr. Bradlaugh.)

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COPIES of, or EXTRACTS from, CORRESPONDENCE relating to MEMORIALS from MEMBERS of the CIVIL SERVICE as to the MAMLATDARS Incriminated in the CRAWFORD CASE.

LETTER from the Government of India.—Home Department.—Judicial.—
No. 6 of 1890.

To Her Majesty's Secretary of State for India.

My Lord, Calcutta, 4 February 1890.

WITH reference to the correspondence* ending with our Despatch No. 36 (Judicial), dated 10th December 1889, we have the honour to inform your Lordship that we have received memorials addressed to you by three members of the Covenanted Civil Service in the Bombay Presidency, in which they pray that the guarantee given by the Bombay Government to the Mamlatdars who gave evidence before the Crawford Commission may not be departed from, and that the dismissed Mamlatdars may be reinstated.

* See Return No. 100 of 1890, page 78.

2. We pointed out to these officers, through the Bombay Government, the impropriety of the step taken by them in addressing memorials to Her Majesty's Secretary of State regarding our action in a matter with which they are in no way personally concerned, and at a time when they must have become fully aware that the course taken by us was adopted after very careful consideration, and with your Lordship's entire approval. But as these memorials contain nothing with which your Lordship and we ourselves have not already fully dealt, it seemed unnecessary that they should be forwarded for your Lordship's information, and we therefore withheld them.

3. We have, however, since received the accompanying memorials from Mr. W. H. Propert, Commissioner of the Northern Division, and Mr. Keyser, Magistrate and Collector of Satara, and we do not consider that these ought to be kept back from your Lordship. We forward Mr. Propert's on account of the high position which he occupies, and Mr. Keyser's both on account of his connexion with the Crawford inquiry and because it contains the most forcible statement we have seen of the typical arguments which have been advanced against the action taken in the matter of the guarantee to the Mamlatdars who inculpated themselves.

We have, &c.

(signed) *Lansdowne.*
G. Chesney.
A. R. Scoble.
C. A. Elliott.
P. P. Hutchins.
D. M. Barbour.

Enclosure No. 1.

To the Right Honourable Viscount *Cross*, G.C.B., Her Majesty's Principal Secretary of State for India.

The humble Memorial of William Henry Propert, Commissioner of the Northern Division of the Bombay Presidency.

Respectfully sheweth,

1. That your memorialist, who is now the oldest member of the Bombay Civil Service, arrived in this country just previous to the most critical period of Anglo-Indian history, namely in 1856, and has ever since been engaged in the executive administration of various districts in the Presidency of Bombay. He was selected very early in his career for a responsible and difficult post, and has therefore had an unusually long experience of practical district management. He has always lived in sympathy with the people, and, as a matter of fact, for some years he had but few chances of meeting his European brethren. He has ever studied the feelings and wants of the people, and the means of most readily influencing and governing them. Having stated his claims to your Lordship's attention, your memorialist will proceed to enter upon the subject of this representation, which he makes out of conviction and sense of duty.

2. Your memorialist as a British officer and gentleman cannot but feel astonished and pained on learning that it has been decided to punish some of the guaranteed witnesses in the Crawford Case. It appears to your memorialist unjust and ungenerous to the last degree to take any notice whatever of the offences to which these witnesses confessed, when account is taken of the manner in which those confessions were recorded. Such procedure on the part of a dominant Power towards a subject race appears to your memorialist unbecoming and impolitic, giving rise, as it does and will do, to the gravest misconception in quarters where the acts of Government should be above suspicion. Your memorialist fails to see why, if the removal from the service of some of the witnesses were considered necessary, it could not have been effected in some less public and objectionable manner, viz., by inducing the men to retire of their own accord.

3. Your memorialist questions the policy of depriving the local government of the services of men who have shown themselves to be open to good influences, and who by their actual confessions give promise of future good conduct. His experience convinces him that the removal of the few witnesses selected for disgrace will in no way cleanse the Public Service, and he fails to see that the Government method of differentiating the cases has succeeded in the least degree in discovering the really corrupt men, while from his knowledge of Native character and customs, he has no hesitation in pronouncing the dictum, that those who have paid must necessarily endeavour to recoup themselves, unfair and arbitrary.

4. Your memorialist finds it somewhat difficult to express his feelings regarding the breach of faith in becoming language, so grievously does it affect British reputation and the prestige of Government. It offends against the first principles of Indian administration, and provides a theme to all who for any object are anxious to disturb the public mind. The officers of Government are filled with doubt, dismay and shame; the people with distrust and contempt. A breach of faith in high quarters may be likened to a poisonous seed, which will surely flourish in Indian soil and bear a plentiful crop of hurtful fruit.

5. None but district officers with the requisite experience can understand to what extent the work of administration is facilitated by the ready acceptance of responsibility on the part of those brought into contact with the people. Should, however, the district officers be forced to entertain the feeling that Government is likely to act in a fickle or irresolute manner, the consequence must and will be most deplorable. Now it appears to your memorialist that the breach of faith lately committed must assuredly have this demoralizing effect, and he ventures to think that the difficulties attending any exceptional political danger would be enormously enhanced thereby.

6. Your

6. Your memorialist cannot think that your Lordship has fully realised the evil effects likely to follow an official breach of faith in a country where the people have not yet learnt to distinguish between the promise of a British officer and that of the Government he serves.

7. The limits which your memorialist has prescribed to himself do not permit him to go further into detail, but he trusts that his long service and experience will carry weight with your Lordship in the consideration of the suggestions he has now to make.

8. It is urgently necessary that the confidence both of the public and the servants of Government should be re-established as far as possible, and the British character for justice vindicated against the attacks now, with too much reason, levelled against it. This can only be done by observing the guarantee given by the Bombay Government in its entirety. Thus, a certain number of honest men would be preserved from unmerited disgrace, and one of the principal grounds of public discontent removed. It will not be difficult for your Lordship to direct such inquiries as you may deem fit, for the purpose of removing from the service those officers who may be found to be really corrupt.

9. In conclusion, your memorialist, while trusting that your Lordship will grant him full credit for a desire to maintain the efficiency and purity of the public service, feels bound to state that he himself would have no hesitation whatever in carrying on the administration of that portion of the country confided to his charge, through the agency of the witnesses who have passed through the ordeal of the Crawford Commission.

And your memorialist, as in duty bound, will ever pray.

(signed) *W. H. Propert*, Bombay C. S.

1 January 1890.

Enclosure No. 2.

To the Right Honourable Viscount *Cross*, G.C.B., Her Majesty's Principal Secretary of State for India in Council.

The humble Memorial of Alfred Keyser of Her Majesty's Bombay Civil Service.

Sheweth,

THAT your memorialist has served 24 years in the Bombay Civil Service, and now holds the post of Collector and Magistrate and Political Agent of Satara, in the Central Division of the Bombay Presidency, a district generally recognised second to none in importance, as its size, population, and political history make the duties of the head of it exceptionally onerous and responsible.

That your memorialist's appointment, therefore, is a sufficient testimony of the character he bears in the service, and of the estimation in which he is held by his superiors.

That your memorialist has spent the whole of his service in administrative posts, and that his experience as a revenue and administrative officer is inferior to very few officers now remaining in the service, and entitles him to be considered capable of forming an opinion on the general character of the officers of the subordinate service, and of the effect any action of Government will have on the mind of the public.

That your memorialist ventures, therefore, with extreme deference, to address your Lordship on the subject of the immunity promised to witnesses in the Crawford case, and to represent the great dismay among all classes which your Lordship's refusal to uphold the guarantee in its integrity has caused, and the political danger which must follow any loss of faith in the word of Government; while, in the present case, the compensating advantages, although apparently sufficient to justify the course pursued, are, when the real facts, as known to the whole native public, are considered, absolutely illusory.

The central fact, as appreciated not only by all the administrative officers of both races throughout the Presidency, but, as far as your memorialist's opportunities have given him the power to ascertain, by the native public generally, is this: for many years it has been a matter of notoriety and general belief,

accepted as absolutely true, and openly discussed in the native community, that the way to the commissioner, Mr. Crawford's favour was to pay money, and that not only suitors and claimants whose affairs were under his consideration habitually did so, but that applicants for appointments, however strong their claims, could not get them duly recognised without such payment.

Like every one else, your memorialist was disinclined to believe these rumours when he first heard them, but soon after the commencement of his connection with Mr. Crawford (at the end of 1883) he had the strongest grounds for crediting them. Your memorialist was then collector of Kolaba in the southern division, of which Mr. Crawford was commissioner. Mr. Crawford was away the greater part of 1884, but soon after his assumption of office his interference in matters connected with the Jinjir State and appointments made by him, together with the absolute unanimity of opinion which your memorialist found to be held on the subject by the few natives of position with whom he could approach the subject, turned his grave suspicions into certainty. Your memorialist was absent on privilege leave during the summer of 1885, but immediately on his return he applied by letter, and in a personal interview with His Excellency the Governor, to be removed from Mr. Crawford's division. Your memorialist, as he informed His Excellency, stated to the late Sir M. (then Mr.) Melvill, member of his Excellency's Council, his reasons for wishing to sever all official connection with Mr. Crawford in the most unreserved manner, relating what he has recited above, with all the details which he is now compelled to omit. Your memorialist believes that partly in consequence of his representations Mr. Crawford was moved to the Central Division, to which in the summer of 1887 your memorialist was transferred to act as collector of Poona, and he was thus again immediately under Mr. Crawford. Your memorialist took some share in the earlier steps of the inquiry which took place in 1888, as it was to him the Mr. Bhimbhai, whose letter to Government was the immediate cause of the action taken, first addressed himself, and it was he who in the first instance induced Mr. Pendse, assistant commissioner to Mr. Crawford, to give such information as his position enabled him to furnish. Your memorialist would here submit that so far from his statements charging Mr. Crawford with corruption involving himself in any trouble, they were apparently accepted by Government as probably, or at any rate possibly, well founded, and he was informed that similar information had reached Government from other sources. It was apparently deemed advisable to take no action on what amounted to no more than a general report, supported although it was by appointments made by Mr. Crawford which your memorialist thought at the time, and still thinks, by themselves laid him open to the gravest suspicion.

Your memorialist made no statement in writing except one, with regard to the money paid by the Nawab of Jinjira, which he placed in the hands of the Chief Secretary to Government early in 1886.

Your memorialist has thus intruded on your Lordship's notice his own personal connection with the Crawford case in order to emphasize his position that Mr. Crawford had been in the habit of taking money from Mamlatdars and others from the time of his assuming the office of commissioner. Whether the belief that he was corrupt before that date is correct or not, your memorialist has no means of judging; but, at any rate in 1885 the general belief was so prevalent, and Mr. Crawford's practices so peculiar, that your memorialist, unwilling as he was to believe it of a colleague in the service he is proud to belong to, and one with whom he had hitherto been on the most friendly terms, was fully persuaded that he was corrupt, and, being at the time a responsible official in charge of a district and Mr. Crawford's immediate subordinate, communicated his belief to Government. That other officers in similar positions under Mr. Crawford were equally convinced your memorialist had ascertained at the time.

Payments had then been made habitually for a long series of years when Government took action and induced some of the more recent contributors, under the most solemn promise of immunity, to admit payment, no other evidence being practicably attainable, and it being considered impossible to reach the principal offender and end the scandal without such evidence. That the scandal was widespread and of long standing Government must have been satisfied when it gave the guarantee. It is indeed its sole justification.

These men, who have been held up to reprobation and scorn both in the public press and in the Council of His Excellency the Viceroy, differ, as it has been

been often urged, in no way from those who remain in the service, except that in order to assist Government to end a scandal which many of them deplored equally with your memorialist and his colleagues in the Civil Service, they made self condemnatory statements of facts which were otherwise not susceptible of proof. Your memorialist will not repeat arguments which are now only too familiar in the controversy. He would only urge of his own personal knowledge that, being acquainted with a number of the witnesses, they are not as a body inferior in morality or honesty to the average of the Native Civil Service; that many of them, including at least three of those dismissed, are conspicuous for their capacity and intelligence, and their freedom from any taint of suspicion in their manner of transacting official business; that their retention in office is in no way injurious to the public interests, as payments to Mr. Crawford were accepted generally as being made as a matter of course, and their character will not have suffered in public estimation by reason of their making such customary payments, more than that of travellers who fee custom-house officers to get their luggage passed, or guards to ensure privacy in a railway carriage. Even were it believed that the witnesses alone paid much might be said against the breach of faith, although their exclusion from office or stoppage of promotion might have the effect reckoned on. As it is, your memorialist can assure your Lord-ship, from his own personal knowledge and experience, that it will no more purify the service in public estimation than it will as a matter of fact.

Your Lordship will excuse an allusion to the many complimentary things which are habitually said by departing Viceroys and others of the members of the service to which your memorialist belongs. So much is at any rate true, that Government can only administer the country through us, and that we must be their channels of communication with the people, as also the instruments to carry out their policy. In our turn (your memorialist adopts the first person for convenience) we have to administer with such material as is available. It is merely shutting our eyes to known facts to pretend that the subordinate Native service is generally above temptation, or that many, if not, as is sometimes asserted, most of its members are corrupt. Your memorialist personally believes that corruption is on the decline, and that the service is less corrupt than it was; but a high moral standard in this respect, although it may be wished for, is not yet attainable, and is scarcely in accordance with the customs or habits of thought of the country. Of all forms of corruption presents to a highly-placed officer would be in Native eyes the most venial, and it is yet the custom in many Native States for the chief to take such presents as "Najarana" in making appointments.

Your memorialist is thus fully assured that the promise given may be kept without danger to the best interests of the public, or of the service itself; and, as far as he can ascertain, the whole body of administrators in the Bombay Civil Service, that is of the men who are in the best position to form an opinion, and who are in a measure responsible for any mischief which might ensue from their opinion being acted on, are practically unanimous on the point.

On the other hand, any loss of confidence in the good faith of Government must, your memorialist humbly submits, be attended with incalculable danger; for on it must mainly depend the moral hold an alien Government has on the goodwill and the respect of its subjects.

The position of district officers, which is yearly becoming more difficult with the growing restlessness consequent on the development of the intelligence of the people, and the fading memories of the hardships they suffered under Native rule, will become almost unbearably so if it is once thought that the pledged word of the Government, between whom and the people they act as intermediaries, can no longer be relied on. And should any time of special danger be in store for us, no promise of immunity can be expected to induce any suspected persons to come forward with information; and all experience teaches that in times of political danger and trouble the evidence of such witnesses is indispensable.

Your memorialist would not be understood ordinarily to hold the connivance at corruption a trivial or a venial offence. Throughout his service he has done what he could to limit and render nugatory the corruption which prevails to a more or less extent, according, as he believes, to the degree of apathy or of watchfulness of the heads of the administration in all departments, especially in the lower-paid ones in this country. As recited above, he took such action as was in his power to expose the corruption of which he believed

Mr. Crawford to be the centre, directly he became persuaded that it existed. But he holds it to be useless, where corruption has been so widespread and has extended over so long a series of years as to make the majority of the Native officials in two divisions just objects of suspicion of being concerned in it, to get rid of those who had not the selfish discretion to keep their own counsel, because they believed in the promises of Government, made and repeated to them by responsible officers, of whom your memorialist was one. Having every reason to believe that the majority of those who retain the higher appointments in the Southern and Central Divisions differ only from the witnesses in the Crawford case in this one respect, your memorialist can only see the incalculable mischief which must follow any loss of confidence in the good faith of Government as the one result of not keeping the promise made.

The pecuniary compensation, however liberally allotted, is not regarded as fulfilling the guarantee. The dismissed men, some of whom are known to your memorialist to be superior in moral character and capacity to the average of the subordinate Civil Service, are publicly disgraced, and disgraced as they feel unjustly; for, however strange it may seem to English ideas, their helplessness in Mr. Crawford's hands was real. In cases (such as that of Mr. Ganesh Pandurang Thakor) where promotion has been stopped, it cannot be alleged that the promise of immunity has been observed.

Your memorialist will pray, in conclusion, that as he is actuated solely by a sense of the danger to the prestige of British rule which the action taken must engender, and by the knowledge that he is representing the opinion of all those whose position and whose interest alone entitle them to form one, that your Lordship will be pleased to forgive his temerity and possible breach of official etiquette in framing this memorial. Your memorialist has now arrived at a period of his service when his seniority (and he trusts he may be pardoned for adding his previous record as an officer of zeal and capacity) would entitle him to look for one of the highest-paid appointments under Government, and until now he hoped to serve until that reasonable expectation had been fulfilled. But your memorialist feels that he cannot render the same zealous service to Government as heretofore, when he is unable to defend it with conviction against those who might cast reflections on its method of keeping promises.

Your memorialist, who has no other means except those provided by his official income, would therefore pray that your Lordship would be graciously pleased to allow him to retire with such a proportionate pension (as was granted to Mr. G. H. D. Wilson) as he may have earned by his length of service.

And your memorialist will, as in duty bound, ever pray.

(signed) *Alfred Keyser.*

Satara District, 14 November 1889.

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